

**Before Maharashtra State Electricity Board's  
Consumer Grievance Redressal Forum,  
Nagpur Urban Zone, Nagpur.**

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**Case No. CGRF (NUZ)/003/2005**

**Applicant** : M/s. Mahendra Plastic Pvt. Ltd.,  
Through Shri M.P. Bhedda,  
(Proprietor)  
K-23, MIDC Area, Nagpur.

**Non-Applicant** : Executive Engineer, MIDC Dn.,  
(NUZ), Nagpur.

**Quorum Present** : 1) Shri S.D. Jahagirdar, IAS  
(Retd) Chairman,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.  
  
2) Smt. Gouri Chandrayan,  
Member, Consumer Grievance  
Redressal Forum,  
Nagpur Urban Zone, Nagpur.

**ORDER (Passed on 04.02.2005)**

The present application is filed before this Forum by the applicant as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 hereinafter referred-to-as the said Regulations. The application in the prescribed schedule "A" has been filed before this Forum on 07.01.2005.

The Grievance of the applicant is regarding electricity consumption bill dt. 22.07.2004 for Rs. 68,335=74 charged to him by the non-applicant.

The matter was heard by us on 31.01.2005. Both the parties were present and they presented their submissions before us.

After receipt of the application in question, the non applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation No. 6.7 & 6.8 of the said Regulations. The non-applicant submitted his parawise remarks under his report dt. 28.01.2005 which is received by this Forum on 29.01.2005. A copy of this parawise report was given to the applicant on 31.01.2005 and opportunity was given to him to present his say on this parawise report also.

It is contended by the applicant that the electricity meter, being meter No. 1069707, was never installed in his premises. According to him, the meter that was installed in his unit was bearing number 1069902. It is his say that he is paying the energy bill in respect of meter

number 1069902 and not meter number 1069707. The non-applicant by his letter dt. 24.08.2004 bearing number 4328 communicated to the applicant that the meter, bearing serial number 1069707, was issued in the name of the applicant by the Urban Testing Division. According to him, while submitting the meter replacement report, the Jr. Engineer, MIDC S/Dn-II inadvertently mentioned meter number 1069902 in respect of the applicant's unit which, according to him, ought to have been serial number 1069707.

It is interesting to note in this case that the applicant's unit and another industrial unit namely M/s. Royal Plastic in the MIDC area were shown to be assessed for consumption of electrical energy against the same meter number viz 1069707. The non-applicant has urged before us that this was a grave mistake committed by the Jr. Engineer through oversight. The non-applicant, raised arrears bill of Rs. 68,335=74 against the applicant's unit on the ground that these arrears had become due w.e.f. 08.07.2002 from the applicant because the Multiplying

Factor of the meter was wrongly shown as MF 1 which, in fact, ought to have been MF-2 during the meter replacement programme. These arrears pertain to the period from 08.07.2002 to 13.11.2002. The applicant was also informed by the non-applicant by his letter dt. 24.12.2002 that the power supply to the applicant's unit would be disconnected if this arrear bill is not paid by him within 15 days.

The applicant has vehemently stated before us that he was not made aware of installation of new meter in place of the old one while the replacement took place on 13.11.03. A copy of the meter replacement report is available among the case papers which shows that the old meter bearing number 1069707 installed in the applicant's unit was replaced by new meter bearing number 3070608 on 13.11.2003. However, a copy of this report came to be delivered to him on 12.04.2004 i.e. after lapse of about 5 months from the date of physical installation of the new meter. When asked by us as to the inordinate delay caused in delivering this report, the non-applicant was not in position

to give any satisfactory reply. As a matter of fact, a copy of this report was produced by the non-applicant himself on the date of hearing.

The applicant, during the course of his arguments, referred to section 126 of the Electricity Act, 2003 and contended that this section empowers the Assessment Officer to assess the excess extraction of energy for a period of 6 months only preceeding the date of inspection which, according to him, in the present case is 22.07.2004. He has further stated that the energy bill of Rs. 68,335=74 raised against him is improper, unjust and illegal. He prayed that this illegal bill may be ordered to be withdrawn.

The non-applicant while arguing his side during the course of arguments contended that the energy bill of Rs. 68,335=74 served upon the applicant is correct because the C.T. ratio of meter number 1069707 pertaining to the period from 08.07.02 to 13.11.2003 was wrongly shown just as 50/5 which, in fact, was 100/5. This was a mistake

committed by the Jr. Engineer at the time of installation of meter number 1069707 in the applicant's unit. This mistake was rectified by the non-applicant on 13.11.2003 when the old meter, being number 1069707, was replaced by the new meter bearing number 3070608. According to the non-applicant, since the energy bills issued to the applicant were charged as per Multiplying Factor one which was patently wrong, the applicant was served with the additional arrear bill of Rs. 68,335=74 calculated as per correct Multiplying Factor that is MF 2. The non-applicant has also stated that the applicant is liable to pay the amount of this arrears bill despite delay.

We have carefully gone through the submissions made by both the parties. There is no dispute that a grave mistake was committed by the Jr. Engineer who installed the meter bearing number 1069707 at the applicant's unit in as much as the same meter number i.e. No.1069707 was shown in the records of the non applicant having been installed at

two industrial units in the MIDC area namely, the unit of the applicant as well as another unit styled as M/s. Royal Plastic. This has been admitted by the non-applicant. The old meter bearing number 1069707 was replaced by a new meter bearing number 3070608 on 13.11.2003 at the applicant's unit. It is interesting to note that although the new meter was replaced on 13.11.2003, a copy of the meter replacement report was given to the applicant after lapse of 5 months i.e. on 12.04.2004. The inordinate delay of 5 months is inexplicable by the non-applicant. He clarified during the course of hearing that a report, being report dated 31.12.2004, has been sent to the Chief Engineer NUZ, MSEB, Nagpur against the erring Jr. Engineer. However, the fact remains that a grave mistake was committed by the Jr. Engineer in showing the same meter number against two Industrial Units.

The applicant has quoted section 126 of the Electricity Act, 2003 and stated before us that preceeding 6 months' energy bill can only be charged to him preceeding to

22<sup>nd</sup> July, 2004. We have pursued this section 126 of the Electricity Act-2003. Provisions of this section are applicable to the un-authorised use of electricity. In the present case, even the non-applicant has also agreed before us that this is not a case of un-authorized use of electricity. We are, therefore, of the view that provisions of section 126 of the Electricity Act-2003 are not applicable in this case since there is no extraction of electrical power un-authorisedly.

The arrears bill of Rs. 68,335=74 was raised against the applicant on 22.07.2004 on which date the Electricity Act-2003 was in force, It will, therefore, have to be seen whether the non-applicant's action of raising this arrears bill for the period from 08.07.2002 to 13.11.2003 was consistent with the legal provisions of Electricity Act-2003. In this respect, according to us provisions of section 56(2) of the Electricity Act are applicable.



Sub-section(2) of section 56 of the Electricity Act-2003 stipulates as under.

“ Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the license shall not cut off the supply of the electricity”.

In the instant case, arrears of energy bill for the period from 08.07.2002 to 13.11.2003 have been raised against the applicant on 22.07.2004. This charge shown in the electricity bill dated 22.07.2004 became first due on 08.07.2002. The non-applicant also agrees with this viewpoint. It, therefore, clearly transpires that the energy bill dated 22.07.2004 was raised against the applicant after lapse of two years' period in violation of section 56(2). We repeat that electricity charges as per bill dated 22.07.2004 had become first due on 08.07.2002 while

the arrears of Rs.68,335=74 were raised against the applicant on 22.07.2004 which clearly goes to show that the amount of arrears was shown as recoverable after lapse of two years' period. It is also evident from record that this sum was never shown continuously as recoverable as arrear of charges for the electricity supplied.

We are, therefore, of this firm view that in the instant case provisions of sub-section (2) of section 56 are very much applicable and further that the applicant is entitled to the benefit bestowed upon him by this legal provision. The non-applicant has stated before us that he has acted diligently upon receipt of meter replacement report dated 13-11-2003 and correctly raised arrears bill of

Rs. 68,335=74 dated 22.07.2004. It is pertinent to note that the non-applicant also took more than 8 months' period to issue the energy bill in question is as much as he issued the arrears bill on 22.07.2004 while the new meter bearing number 3070608 was installed on 13.11.2003 and the bill amount became first due from 08.07.2002. The non-applicant

therefore, did not act diligently and his say can not be accepted.

It is, therefore, clear that the applicant will have to be given the benefit of section 56 of the Electricity Act 2003.

The applicant had filed his grievance with the Internal Grievance Redressal Unit as per Regulation number 6 of the said Regulations on 10.09.2004. As provided in Regulation number 6.3, this Internal Grievance Redressal Unit was supposed to provide remedy within two months i.e. before 10.11.2004. It is, however, regretfully observed that no action was taken by the Internal Grievance Redressal Unit within the prescribed period of two months. The applicant, therefore, approached this Forum by filing his grievance in the prescribed schedule "A" on 07.01.2005. As per Regulation number 6.3 of the said Regulations, the applicant has, therefore, approached this Forum correctly.

In view of above, we, under the powers vested in us by Regulation No. 8.2 of the said Regulations, order that the non-applicant should immediately withdraw the arrears bill of Rs. 68,335=74 dated 22.07.2004, that the non-applicant has no legal authority to persue recovery of the arrears bill of Rs. 68,335=74 against the applicant and that he shall not cut off the supply of electricity to the applicant's unit on the ground of non-payment of the bill. This should be done by the non-applicant within a period of two weeks from the date of this order. The non-applicant is also hereby ordered by us to report compliance of this order before 20<sup>th</sup> February 2005.

(Smt. Gauri Chandrayan)  
MEMBER

(S.D. Jahagirdar)  
CHAIRMAN

M.S.E.B.'S CONSUMER GRIEVANCES REDRESSAL  
FORUM, NAGPUR URBAN ZONE, NAGPUR.