

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

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**Case No. CGRF(NUZ)/032/2005**

- Applicant : Late Shri A.K. Bhagchandani  
D/H his son  
Shri Pramod P. Bhagchandani  
Flat No. 201, Parvati Tower,  
Indora Chowk,  
Nagpur.
- Non-Applicant : The Executive Engineer,  
Civil Lines Division,  
NAGPUR representing the MSEDCL.
- 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.
- 3) Shri M.S. Shrisat,  
Exe. Engr. & Member Secretary,  
Consumer Grievance Redressal  
Forum, NUZ, MSEDCL, Nagpur.

**ORDER (Passed on 25.07.2005)**

The present grievance application has been filed by the applicant in the prescribed schedule "A" on 24.06.2005 under Regulation number 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal

Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of excessive billing.

The matter was heard by us on 14.07.2005 and 21.07.2005 when both the parties were present. Arguments of both of them were heard and documents produced by both of them are also perused by us.

The applicant had earlier filed his complaint before the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the office of the Chief Engineer, NUZ, MSEB, Nagpur on 15.04.2005 under Regulation numbers 6.7 and 6.8 of the said Regulations. However, no remedy was provided by this Unit to the applicant within the prescribed period of two months and hence he approached this Forum for redressal of his grievance.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks on the applicant's application provided in the said Regulations. Accordingly, the non-applicant submitted his parawise remarks dated 07.07.2005 before this Forum on 14.07.2005. A copy thereof was given to the applicant on 14.07.2005 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The applicant has narrated in his application dated 15.04.2005 addressed to the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm), Circle Office, MSEB, Nagpur all the details indicating as to how excessive electricity bills were issued to him right from

the billing month of January-2002 onwards. It is his contention that he was receiving inflated bills after every two months. He received a huge electricity bill of 14,664/- in the billing month of November,2004. He added that he had already paid amount of Rs. 2190/- on 25.01.2002 when he received the electricity bill issued in the billing month of January-2002 as advised to him by MSEB officer one Shri Mujumdar. According to him, he repeatedly met the MSEB officer Shri Mujumdar all through the relevant period as and when he received excessive electricity bills in every billing cycle of two months. He was receiving every time electricity bills containing huge amounts disproportionate to his pattern of consumption. However, no remedial action was taken by the MSEB officials and all the while he was given false promises of correcting the electricity bills which, in fact, was never done. He paid amount of Rs. 1600/- in December-2004 as against the electricity bill of Rs. 14,664/- as was advised to him. According to him, the MSEB officials never provided any remedy to his repeated complaints and that he was being given false promises for providing remedy. He further contended that although he has paid amounts of Rs.1640/-, Rs. 1800/- and Rs. 1600/- from time to time as was advised to him, his electricity supply was ultimately disconnected on 16.03.2005 without any notice to him on the pretext of non-payment of the arrear amount of Rs. 10500/-. He vehemently criticized the ill advices given to him from time to time by the MSEB officer Shri Mujumdar always keeping him in suspense. He added that his family members have been experiencing a lot of inconvenience and

hardship because of disconnection of his electricity supply with no fault on his part.

He lastly prayed that his electricity supply may be restored forth-with and the excessive amounts of electricity bills be waived. He submitted that he is prepared to pay reasonable amount of electricity charges considering his pattern of consumption.

The non-applicant has stated in his parawise report that the applicant's meter was showing a reject reading since the billing month of November-2001 till July-2002 during which bills on the basis of average consumption were issued to the applicant. This bi-monthly average was around 80 units. In the billing month of September-2002, the applicant's meter showed consumption of 874 units. Hence with a view to offset the higher slab charges levied in the bill of September-2002, a credit of Rs. 1693.56 was given to him in the billing month of January-2003. According to the non-applicant, the applicant's old meter, being meter number 10319823, was actually changed in January-2002 by installing a new meter, being meter number 9000130323. However in the applicant's Consumer Personal Ledger entry regarding the new meter was taken late i.e. in the billing month of May-2002. Again, electricity bills were issued to the applicant on average basis from November-2002 upto May-2003. The next bill of billing month July-2003 showed consumption of 2252 units as per actual meter readings, the final & initial meter readings having been recorded as 2256 units and 004 units respectively. Here also, with a view to offset the higher slab charges levied in one single bi-monthly bill for the billing month of July-

2003, a credit of amount of Rs.3870.71 was given to the applicant in the billing month of January-2005. He added that applicant was issued electricity bills alright from the billing month of September-2003 onwards as per meter readings.

According to the non-applicant, the applicant has so far deposited amount of Rs.2500/- on 17.06.2003 and amount of Rs. 1600/- on 03.12.2004 during the period from June 2003 to January 2005. The outstanding amount of electricity bills against the applicant up-to the billing month of May-2005 stands at Rs.10511.38 with interest which the applicant has not paid till date. Since the applicant was in arrears of electricity bills and was not paying the same, his electricity supply was disconnected on 16.03.2005. The non-applicant has further stated before us that the applicant's electricity supply will be restored immediately after he pays the outstanding amount of Rs.10511.38. A copy of the applicant's Consumer's Personal Ledger for the period from the billing month of May-2001 upto the billing month of May-2005 is produced by the non-applicant to support his contentions.

With reference to the parawise remarks submitted by the non-applicant, the applicant's submission is that the calculations shown in the Consumer's Personal Ledger and the various amounts of electricity bills worked out by the non-applicant are not acceptable to him in as much as according to him, the initial meter reading of the new meter, being meter number 9000130323, installed in place of the old meter in January-2002 was 377 units at the time of its installation and not 004 units as contended by the

non-applicant. He has further stated that he has also paid an amount of Rs.1800/- as against the electricity bill of Rs.8419/- pertaining to the billing month of November-2003 and he had also obtained a receipt there-for from the MSEB official. It is his further contention that he had submitted all his original papers including the receipt for Rs.1800/- to the Engineer Shri Mujumdar who had asked for it and who had all the while given him false promises of taking corrective measures in respect of his excessive bills.

We have carefully gone through the relevant record of the case, documents produced by both the parties as also all the submissions made before us by both of them.

It is revealed from the contents of the applicant's Consumer Personal Ledger that excessive electricity bills were issued to him. The non-applicant has also admitted this position. However, the non-applicant has tried to correct the mistakes in the electricity bills issued to the applicant by giving credit to him on two occasions. The first credit of Rs.1693.56 was given in the billing month of January-2003 while the second credit of Rs. 3870.71 was given to the applicant in the billing month of January-2005. It is seen that the applicant's meter was showing the reject meter reading from November-2001 upto and inclusive of the billing month of July-2002. The applicant's electricity bill for the billing month of September-2002 showed consumption 874 units. Therefore, if we take into consideration the total number of units consumed by the applicant during the period from November-2001 upto and inclusive of September-2002, the applicant's total consumption comes to  $(97+80+80+80+80+874=)$  1291

units over a period of 12 months from November-2001 to September-2002. This yields an average of 108 units per month which sounds to be reasonable. Since the higher slab rate was charged to the applicant in the billing month of September-2002 in view of 874 units having been shown to be consumed by the applicant, the non-applicant gave credit of Rs.1693.56/- to the applicant in the billing month of January-2003.

Similarly it is seen that the applicant's average consumption per month over a period of 19 months from January-2002 to July-2003 comes to  $(2252 / 19) = 119$  units which also sound to be reasonable. The non-applicant has also given credit of Rs.3870.71 to the applicant in the billing month of January-2005 with a view of offset the higher slab rate charged to the applicant in the billing month of July-2003. However, the credit of Rs.3870.71 pertaining to the period from November-2002 to July-2003 was actually given to the applicant very late i.e. in the billing month of January-2005. There is no plausible explanation for the delay of about 18 months. Therefore, corresponding interest portion charged to the applicant from the billing month of July-2003 till January-2005 will have to be worked out and waived by the non-applicant.

A dispute has been raised by the applicant in respect of the initial meter reading of the new meter, being meter number 9000130323, at the time of its installation in January-2002. According to the applicant, this initial reading was 377 units while the non-applicant's contention is that it was 004 units. The non-applicant could not convince us with

reference to record that the initial meter reading of the new meter was 004 units and not 377 units as contended by the applicant. The non-applicant, at this stage, admitted that appropriate relief will be granted to the applicant considering 377 units as the initial reading of the new meter at the time of its installation in January,2002 as requested by the applicant. It, therefore, follows that the entire calculations will under-go a change and revised amount payable by the applicant will have to be re-calculated by the non-applicant which the non-applicant agreed to do. The proportionate levy of interest in respect of (377-4=) 373 units already charged to the applicant will also have to be completely waived since the non-applicant has now agreed that the initial reading of the new meter was 377 units at the time of installation in January-2002.

The contention of the applicant that he had paid an amount of Rs.1800/- as against the electricity bill of 8419/- issued in the billing month of November-2003 can not be accepted since he has not produced any documentary evidence to substantiate this contention. His mere say that he had paid this amount and handed over the original receipt to the MSEB officer Shri Mujumdar is of no use to him in the absence of any cogent and corroborative evidence.

The applicant's Consumer Personal Ledger produced by the non-applicant reveals that the applicant has paid the following amounts to the non-applicant during the period from May -2001 till May-2005.

<u>Amount paid</u>	<u>Date of payment</u>
1) Rs. 12632/-	06.08.2001
2) Rs. 2190/-	25.01.2002
3) Rs. 370/-	09.04.2002
4) Rs. 200/-	05.06.2002
5) Rs. 200/-	05.08.2002
6) Rs. 1640/-	17.12.2002
7) Rs. 2500/-	11.06.2003

It is also seen that the non-applicant has given credit of Rs. 9458.06 to the applicant in the billing month of November-2001.

The electricity supply of the applicant was disconnected on 16.03.2005 on account of non-payment of the electricity bill amounts without giving 15 days' written notice to the applicant. The contention of the applicant that his electricity supply was disconnected without giving any notice to him is, therefore, correct. Even the non-applicant has also admitted that no such notice as contemplated in section 56 of the Electricity Act was served upon the applicant before disconnecting his supply. The non-applicant's action of disconnecting the applicant's electricity supply without any notice was illegal. We caution the non-applicant for this lapse and direct that hence-forth he shall ensure in every such case that at-least 15 days' clear notice is served upon consumer before disconnecting his electricity supply.

In the light of above, we accept the grievance application of the applicant and pass the following order.

The non-applicant shall re-calculate the outstanding amount payable by the applicant in terms of the

observations made by us in this order and give appropriate relief to the applicant. This exercise shall be completed by the non-applicant and all the relevant details in respect of these calculations explained to the applicant on or before 31.07.2005. Once this outstanding amount payable by the applicant is revised, the non-applicant shall issue fresh arrear bill to the applicant as re-worked out by him and the applicant shall be bound to pay the arrear amount immediately after he receives the revised arrear bill in the. In the meantime, the applicant's electricity supply shall be restored forthwith.

The non-applicant shall report compliance of this order to this Forum on or before 10.08.2005.

Sd/-	Sd/-	Sd/-
(M.S. Shrisat)	(Smt. Gouri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	Member	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**