

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

Case No. CGRF(NUZ)/0114/2006

- Applicant : Shri Ramdas Surybhanji Dupare
Old Sakkardara,
Near Buddya Vihar
Nagpur.
- Non-Applicant : The Executive Engineer,
Mahal Division,
Nagpur representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar,
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 15.04.2006)

The present grievance application has been filed on 21.03.2006 under Regulation 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 his excessive energy bill dated 20.10.2005 in which, according to him, an erroneous excessive arrear amount of Rs. 35,316.82 is included.

Before filing the present grievance application, the applicant had filed his complaint dated 09.01.2006 on the same subject addressed to Executive Engineer, MSEDCL, Nandanwan S/Dn., Nagpur. His complaint application was received by the Jr. Engineer, Sutgiri DC MSEDCL, Mahal Dn., Nagpur on 13.01.2006. However, no remedy was provided to him by the non-applicant within the prescribed period of two months as laid down in the said Regulations.

The requirement of the applicant approaching the Internal Grievance Redressal Unit under said Regulations stands dispensed with in view of the above position. Such a dispensation has already been confirmed by the MERC.

The matter was heard by us on 10.04.2006.

A copy of the parawise report dated 01.04.2006 submitted by the non-applicant on 03.04.2006 before this Forum as per said Regulations was given to the applicant before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that he was paying all his energy bills regularly. However, to his shock & surprise, he received a huge electricity bill amounting to Rs.35,320/- dated 20.10.2005 in which abnormally high

consumption of 13312 units was shown in one go. This bill amount pertains to energy charges for 88 months.

The applicant added that this disputed bill in question is not only erroneous, unjust and improper but it is also not legal. He had applied to the non-applicant's representative on 09.01.2006 raising the present grievance. However, no remedy was provided to him and hence the present grievance application.

He lastly prayed that the arrear amount in question may be withdrawn from recovery.

The non-applicant has stated in his parawise report that the applicant's meter was replaced way back in June 1998. However, due to non-feedings of data of the prescribed replacement documents in the computer, the applicant was charged continuously on average basis for 88 months since June 1998. This lacuna was noticed in October, 2005 and resultantly the computer generated energy bill for 13312 units pertaining to the period of 88 months. Since this disputed energy bill was for a period of 88 months, it was revised by giving a slab benefit and consequently, a credit of Rs. 3733.65 was recommended for approval to the Superintending Engineer, NUC, MSEDCL, Nagpur. The applicant's bill represents energy charges for a period of 88 months for consumption of a total of 13312 units. This comes to 151 units per month which is much more than the average consumption for which the applicant was already billed during the period from June, 1998 to October, 2005.

According to him, since the applicant has already consumed 13312 units and since he was continuously billed for units much less than his actual consumption, his energy bill dated 20.10.2005 in question is just and proper.

He added that the applicant has not paid any amount after 02.04.2005 up to the end of February 2006 and that a net amount of Rs. 34,057.42 stands recoverable from him as of now.

He lastly submitted that he may be permitted to recover at least two years' charges prior to October 2005 if not all the arrears in view of Section 56 (2) of the Electricity Act, 2003.

The applicant's grievance is limited to erroneous inclusion of arrear amount Rs. 35,316.82 charged to him in his energy bill dated 20.10.2005.

The non-applicant has admitted in his parawise report as well as in his oral submissions that the disputed energy bill in question pertains to a period of 88 months for a total consumption of 13312 units since June 1998 and also that the arrear amount in question represents energy charges for 86 months shown as recoverable in one go.

According to us, the legal provision contained in Section 56 (2) of the Electricity Act, 2003 is applicable in the present case.

As laid down in Section 56 (2), 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 licensee shall not cut off the supply of electricity.

According to this legal provision, the non-applicant loses his right to claim the arrears older than 24 months through the energy bill issued on 20.10.2005 since the arrears for the earlier months from June, 1998 to October 2003 were never raised within a period of two years. The non-applicant is, however, permitted by Section 56 (2) to recover the dues pertaining to the two years' period from October 2003 to October 2005.

A similar view has also been held by the Ombudsman in his order dated 07.04.2005 passed in appeal representation no. 15/2006 in the case of S.G. Dubbalwar Vs. MSEDCL, Nagpur under the said Regulations.

In view of the above legal position, the entire arrear amount of Rs. 35,316.82 can not be waived as requested for by the applicant. He will have to pay energy charges for the two years' period from October 2003 to October 2005. However, the non-applicant cannot recover arrears of energy charges prior to October 2003.

In the result, we allow the grievance application partially and direct the non-applicant to issue a revised bill to the applicant immediately keeping in view the observations made by us in this Order.

This order shall be complied immediately and compliance reported to this Forum on or before 30.04.2006.

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.**

**Chairman
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**