

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

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**Case No. CGRF(NUZ)/035/2005**

- Applicant : Shri Tulshiram Y. Pimpalghare  
At Premnagar,  
Ward No. 42  
Nagpur represented by  
Shri R.K. Kashyap.
- Non-Applicant : The Nodal Officer,  
Executive Engineer,  
Gandhibag 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 30.07.2005)**

The present grievance application is filed before this Forum on 05.07.2005 by the applicant in the prescribed schedule "A" as per Regulation number 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003.

The applicant's grievance is in respect of excessive electricity bill dated 13.09.2004 for Rs. 14790/- which includes arrear amount of Rs. 14009.37/-

The matter was heard by us on 27.07.2005 when the applicant's nominated representative was present. He was heard by us. The non-applicant remained absent despite service of notice on him. Therefore his say is taken as per his parawise report dated 20.07.2005 which is on record.

After receipt of this grievance application, the non-applicant was asked to furnish to this Forum his parawise remarks on the applicant's application in terms of Regulation number 6.7 and 6.8 of the said Regulations. Accordingly, he submitted his parawise remarks dated 20.07.2005. A copy of this parawise report was given to the applicant's representative on 27.07.2005 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

As stated above, the applicant's grievance is about unjust and improper arrear amount of Rs.14009.37 included in his electricity bill for Rs.14,790/- dated 13.09.2004 pertaining to the period from 17.06.2004 to 17.08.2004.

The contention of the applicant's representative is that he received the electricity bill dated 13.09.2004 for Rs.14790/- containing a huge arrear amount of Rs.14009.37/-. On receipt of this bill, he approached the Shantinagar MSEB Office for enquiry as to why such a huge arrear amount was shown in his bill. There-upon, he was given to understand that his meter, being meter number 10294742, was found to be running slow by 96% on inspection and hence the arrear amount

of Rs.14009.37 was added in his electricity bill dated 13.09.2004. He vehemently contended that no intimation whatsoever was given to the applicant when his meter was inspected or changed or about his meter going in disorder at any point of time. There was no Panchnama made at the relevant time when the meter was changed. The applicant's representative further submitted that the additional charge of Rs.14009.37 imposed upon the applicant is unjust improper, arbitrary and illegal. It is his contention that the applicant has been paying all the electricity bills received by him regularly without any hesitation till he received the bill dated 13.09.2004. The applicant had approached the MSEB Officers from time to time who told him in his every visit that his electricity meter was sent for testing purpose and that his bill amount would be reduced after receipt of the test report. However, the bill amount was never reduced and on the contrary, the applicant was told that his old meter has been scrapped. The MSEB official ultimately told the applicant that he will have to pay the full amount of the bill.

The applicant has further stated that he has already paid 20% provisional amount of Rs.3100/- on 24.02.2005 against his electricity bill of Rs.15490/- dated 15.01.2005 as approved by the Assistant Engineer, Binaki Sub-Division of MSEB, Nagpur.

The applicant's representative has produced copies of the several electricity bills received by him from the non-applicant and also relevant payment receipts.

He lastly prayed that his grievance in question may be removed.

The non-applicant has stated in his parawise report dated 20.07.2005 that the applicant's meter stopped showing

meter reading in July-2004. Hence a new meter, being meter number 154001, was installed in July,2004. The old meter was tested on the new meter at the time of its installation and it was found that the old meter was running slow by 96%. Hence the applicant was charged arrear amount of Rs.14009.37/- taking into consideration the consumption pattern of the applicant for the month of April-2004 on wards.

The non-applicant has further stated that on re-examination of the matter, a net amount of Rs.3303/- is now proposed to be recovered from the applicant. A copy of the illegible report dated 26.07.2005 alongwith one calculation sheet and also a copy the applicant's Consumer's Personal Ledger are attached by the non-applicant to his parawise report.

The non-applicant remained absent on the date of hearing. Hence the matter proceeded ex-party with reference to him. However, his say is considered as per his parawise report.

We have carefully gone through the record of the case, documents produced by both the parties and also all the submissions made by both the parties.

The record nowhere indicates that the applicant's old meter was replaced by a new meter in the presence of the applicant. The record also nowhere shows that any intimation was given to the applicant about the removal of the old meter or about sending his meter for testing purpose. Therefore, the applicant's contention that the entire process of testing his meter, removing it or replacing the old meter by a new one was done behind the back of the applicant.

The non-applicant has failed to produce any documentary or oral evidence to show that the applicant was

informed about removal of his old meter, carrying out test of his old meter and about replacement of his old meter by a new one. No clarification whatsoever has been given by the non-applicant in this respect.

The non-applicant has also not produced the test report pertaining to the applicant's old meter.

We are, therefore, fully convinced that the finding of the non-applicant about the old meter running slow by 96% as contended by him are arrived at behind the back of the applicant and these findings are totally arbitrary.

Perusal of the zerox copy of the bill dated 13.09.2004 shows that there is an endorsement written in manuscript regarding the meter running slow by 96% and about charging the applicant for 3459 units. It is not explained by the non-applicant in his report or elsewhere as to how this figure of 3459 units is arrived at.

The new meter, being meter number 154001 has been installed on 24.07.2004. and there seems to be no problem or dispute in respect of functioning of the new meter.

It is pertinent to note that the applicant's representative himself has admitted that his consumption was 648 units in the billing month of December-2003, 422 units in the billing month of February-2004 and 875 units in the billing month of April-2004. He has no hesitation in admitting this consumption pattern. He has also paid the electricity charges as per the bills received by him for these billing months without any reservation. This shows that the applicant has been paying his bills regularly.

The accompaniments to the non-applicant's parawise report are not clearly legible and they do not also throw any light on the justification in respect of calculations of the arrear amount of Rs. 14009.37/-.

It is also pertinent to note from the non-applicant's parawise report that he now wants to revise the arrear amount and that he proposes to recover arrear amount of Rs.3303/- in place of the arrear amount of Rs.14009.37/-. However, this proposal cannot be accepted because it does not carry any justification. In the instant case, it is interesting to note that the applicant's old meter has been scrapped without any intimation to the applicant. This demonstrates that all the proofs are now destroyed. This illegal action of the non-applicant is highly objectionable.

The entire action of the non-applicant is doubtful, fishy and hence malafide.

In view of above, we hold that the non-applicant's entire action of charging arrear amount of Rs.14009.37 to the applicant was highly arbitrary and that it was also unjust, improper and illegal.

In view of above, we pass the following order.

- (1) The arrear amount of Rs. 14009.37 shown as recoverable in the billing month of August,2004 is totally waived.
- (2) The non-applicant shall calculate afresh the total amount of the bills payable by the applicant and issue a fresh bill for the billing month of June,2005 in terms of direction issued in (1) above. The amounts already paid by the applicant after August, 2004 shall be deducted from the total amount payable by him and appropriate credit or

debit raised to the applicant. If, in this process, the applicant gets a refund, the amount to be refunded shall carry interest @ 9% per annum.

In these circumstances, question of disconnecting electricity supply of the applicant does not arise at all.

The non-applicant shall report compliance of this order to this Forum on or before 16.08.2005.

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.**

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