

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

Case No. CGRF(NUZ)/0120/2006

- Applicant : Smt. Kamal S. Mohadikar,
D/H Late Shri Shankar Udaram
Mohadikar
Represented by Ku. Rekha S.
Mohadikar,
At Pachpaoli, Nandagiri Road,
Near Gulabpuri House,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Gandhibag 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.

ORDER (Passed on 27.04.2006)

The present grievance application is filed by the applicant 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 erroneous energy bill dated 22.10.2003 for Rs. 1,82,843=51 which was issued in the name of the applicant's husband in which a huge arrear amount representing abnormally high and erroneous consumption of as many as 47784 units was wrongly included.

Before filing the present grievance application, the applicant's son had filed his complaint application dated 06.11.2003 before the Assistant Engineer, Binaki S/Dn., MSEB, NUZ, Nagpur raising therein the present grievance. This was followed by another application that came to be submitted on 10.11.2005 to the Executive Engineer, Gandhibag Division, MSEDCL, Nagpur.

No remedy, whatsoever, was provided to the applicant's grievance and hence she filed the present grievance application under the said Regulations before this Forum.

Since the applicant had already approached earlier a competent authority for redressal of her grievance and because no remedy was provided to her grievance, the requirement of the applicant approaching the Internal Grievance Redressal Unit again under the said Regulations stands dispensed with. Such a dispensation is also confirmed by the MERC.

Both the parties were heard by us on 24.04.2006.

A copy of the non-applicant's parawise report dated 21.04.2006 submitted by him under the said Regulations before this Forum was given to the applicant's nominated representative on

24.04.2006 before the case was taken up for hearing on 24.04.2006 and she was given opportunity to offer her say on this parawise report also.

The applicant's case was presented before us by her daughter Ku. Rekha S. Mohadikar.

It is the contention of the applicant's representative that the non-applicant's claim of recovery of arrear amount of electricity charges for 94 months shown as recoverable in one go in the applicant's husband's energy bill dated 22.10.2003 is unjust, improper and illegal. This arrear amount was also not shown as continuously recoverable in the bi-monthly energy bills prior to 22.10.2003.

She further stated that although complaint applications were submitted before the appropriate authority of the non-applicant Company, no cognizance was taken by any authority for the redressal of the applicant's rightful grievance.

She added that the applicant has been paying all her bi-monthly energy bills regularly prior to issuance of the disputed energy bill dated 22.10.2003.

She lastly prayed that the amount of Rs.1,82,843=51 shown as recoverable in the disputed energy bill may be withdrawn from recovery. She has also demanded compensation towards hardships caused to the applicant because of the permanent disconnection of power supply through her meter, being meter no. 2627050, as the same was disconnected without serving any mandatory notice on the applicant.

The non-applicant, on his part, has stated in his parawise report that the applicant's husband's meter, being meter no. 303703, was changed in December, 1995 and a new meter, being meter no.

2627050, was installed in its place at initial reading of 00020. The applicant was issued energy bills on average basis only from December, 1995 to August 2003 because appropriate entries were not given effect to in the applicant's CPL about the change of the meter. This omission was detected in September, 2003 and the applicant was served with energy bill for the month of October mentioning therein consumption of 47784 units over a period of 94 months from December 1995 as per metered readings. He elaborated this by saying that final reading of the applicant's meter was 47804 as recorded on 07.10.2003 while initial reading of the same meter, being meter no. 2627050, at the time of its installation in December 1995 was 00020 and hence total consumption of 47784 units worked out accordingly. The energy bill amounting to Rs. 1,82,843=51 came to be issued for a period of 94 months. The amounts of energy bills paid from time to time from December, 1995 upto October, 2003 were duly deducted from the gross amount of the applicant's total bill amount.

According to him, the disputed energy bill in question was revised to Rs. 1,62,212=18 considering changes in the electricity tariff over a period of past 92 months. The applicant did not pay this amount and hence her power supply was permanently disconnected on 30.06.2004.

He added that the applicant also did not pay any net bi-monthly electricity charges from November 2003 to June, 2004. According to him, the revised energy bill for the month of October, 2003 of Rs.1,62,292/- is correct. He further added that a net arrear amount of Rs. 2,06,174/- is recoverable from the applicant as on 30.04.2004 i.e. at

the time of permanent disconnection of her power supply. This amount also includes amount of interest.

He has produced copies of the relevant CPL from December 1997 to March 2006.

He lastly prayed that the grievance application may be rejected.

The basic point to be decided in the present case is whether the applicant's action of issuing energy bill dated 22.10.2003 of which the revised amount of Rs. 1,62,212=18 over a period of 92 months is legally correct or not.

Since the energy bill was issued on 22.10.2003, that is, after 10.6.2003 on which date the Electricity Act, 2003 has come into force, the legal provision contained in section 56 (2) thereof shall be applicable to the present case.

It has been laid down in Section 56 (2) that 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 licensee shall not cut off the supply of the electricity.

It is crystal clear from the above legal provision that the non-applicant's claim of recovery of arrear amount older than 24 months prior to 22.10.2003 is violative of legal provision of Section 56 (2).

The non-applicant has himself admitted during the course of hearing that the arrear amount claimed for 92 months in one go in the applicant's disputed energy bill dated 22.10.2003 was not shown as

continuously recoverable as arrear of charges. It also clearly transpires that the claim in question is made by the non-applicant after the period of two years. The non-applicant's claim is for a period of 94 months from December 1995 to October 2003.

As stated above, the legal provision of Section 56 (2) permits the non-applicant to recover arrear amount for only 24 months prior to 22.10.2003 and his claim of recovery for the period older than 24 months is clearly time-barred in the eyes of law.

The contentions raised by the non-applicant in his parawise report do not find full support of law.

The applicant's power supply was permanently disconnected on 30.06.2004. To a pointed question asked by us to the Nodal Officer as to whether clear 15 days' notice as required by Section 56 (1) of the Electricity Act, 2003 was served on the applicant or not before permanently disconnecting her power supply, he admitted that no such prior and separate notice was given to the applicant. Service of such a notice is a mandatory pre-requisite before any consumer's power supply is disconnected on account of non-payment of electricity charges. Since no such prior notice of 15 days was given to the applicant, it follows that the non-applicant's action of permanent disconnection of power supply in the present case is clearly violative of the mandatory provision of Section 56 (1) of the Electricity Act, 2003.

The applicant's representative has agitated this point during the course of arguments and requested for award of compensation. However, her request for award of compensation cannot be granted by us in view of admission made before us by her that the applicant is not staying in the premises in question. There is thus no

direct loss caused to the applicant and hence award of compensation can not be permitted.

In the result we partly allow the grievance application and in that, we direct the non-applicant to revise the applicant's energy bill for the month of October, 2003 keeping in view the directions given by us in this Order. Needless to say, interest charged on the arrear amount not permissible for recovery in terms of this Order shall also not be recovered from the applicant.

The grievance application, thus, stands disposed of accordingly.

The non-applicant shall report compliance of this Order to this Forum on or before 31.05.2006.

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

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