

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

Case No. CGRF(NUZ)/036/2008

Applicants : Shri P.K. Chatterjee
Through Shri Amrit M. Chawdagor &
Smt. Neela A. Chawdagor
At Building No. 2, Flat No. 5,
Vali Apartment, Near Durga Mandir,
Katol Road,
NAGPUR

Non-applicant : MSEDCL represented by
the Deputy Executive Engineer,
Shri R.A. Bhure,
Civil Lines Division, NUZ,
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

2) Smt. Gauri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 24.07.2008)

The present grievance application is filed on
26.06.2008 under Regulation 6.4 of the Maharashtra
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Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of allegedly erroneous and excessive energy bill dated 18.02.2008 for Rs.63,640/- pertaining to one month's period from 20.01.2008 to 20.02.2008 and showing allegedly erroneous consumption of 10369 units. The applicant has requested for revision of this energy consumption bill based on his past average per month energy bill of Rs.600/- to Rs. 700/-.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter before the Internal Grievance Redressal Cell, (in short, the Cell) on 10.04.2008. However, the Cell did not give any reply within the prescribed period of two months and hence, the present grievance application.

The matter was heard on 14.07.2008.

The applicants have contended that they are the consumer of MSEDCL vide consumer no. 410010507018. The service connection is still standing in the name of Shri P.K Chatterjee from whom the applicants have purchased the premises in question in January, 2001. So far, they have not taken steps to effect change of name in this service connection in place of the erstwhile consumer Shri P.K. Chaterjee. However, they are using electricity through this connection. They added that the last energy bill received by them from MSEDCL was dated 17.07.2007 and, thereafter, they did not receive any energy bills for subsequent 7 months. Thereafter, they suddenly received energy bill dated 18.02.2008 by which

they were asked to pay energy consumption amount of Rs.63,640/- on or before 11.03.2008 and Rs.95,000/- after due date. This bill was meant for 10369 units. In the foot note in this bill, it has been mentioned that their consumption was of 21 units, 0 units, 0 units, 108 units and 4 units respectively in the billing months of December, 2007, November, 2007 October, 2007, September 07 & August, 2007. A remark of meter, being meter no. 9005291323, being faulty is also appearing in this bill. Since this was a wrong and excessive bill, they approached the non-applicant's official and brought to his notice that the energy bill in question was wrong. Thereupon, on the same day, the Jr. Engineer one Shri Dabre issued a provisional bill in which the amount to be recovered was shown as Rs.50,000/-. They also contended that the Jr. Engineer Shri Dabre demanded illegal gratification of Rs. 20,000/- for reducing the bill amount from Rs.95,000/- to Rs.50,000/-. Thereafter, they received a notice, being notice dated 12.03.2008, from the non-applicant asking them to pay arrear amount of Rs.69,100/- within 15 days failing which their power supply will be disconnected. On receipt of this notice, the applicants met Shri Bhure, Dy. E.E. and he issued another provisional bill dated 18.03.2008 for Rs.45,510/-. They were not satisfied with the arbitrary reduction of payable bill amounts and hence, they filed complaint before the Cell on 10.04.2008. However, the Cell did not give any reply to them till 26.06.2008 and hence, they filed the present grievance application before this Forum. They received a subsequent energy bill dated 20.05.2008 for amount of Rs. 32,455/- in which in the foot note thereof it has been mentioned that their

consumption in the months of February, 2008 was of 10642 units. It is their emphatic say that the non-applicant's claim that the applicants have consumed 10642 units in 7 months' period as mentioned in his bill is not only unjust and improper but it is also not legal. They continued to submit that their average monthly energy bill was of Rs.600-700 in the past and hence, their energy bill amount in question needs to be corrected appropriately so as to be in tune with their past average per month consumption.

They lastly prayed that their bill amount may be revised appropriately.

The non-applicant has submitted his parawise report dated 14.07.2008 which is on record. It has been mentioned in this report as well as in the oral submissions of the Dy. E.E. Shri Bhure during hearing that the service connection, being service connection no. 4100507018, is in the name of Shri P.K. Chatterjee at Flat No. 5, Vali apartment Chaoni and at present, the applicants are residing in these premises and they are using electricity from this service connection. On 14.10.2006, during the theft detection drive the meter, being meter no. 10875123 attached to this connection was checked with standard accucheck. This meter was thereupon found to be running slow by 84%. For ascertaining the reason for slowness of the meter, it was opened in the presence of the applicant. It was found that a blue coloured copper wire was inserted in between the incoming & outgoing phase terminals and because of this, the meter was recording 84% less consumption. The flow of current through coil was by-passed by inserting this loop. This

was a clear case of theft of energy under section 135 of the Electricity Act, 2003. A photograph of the meter was also taken and the meter was also properly sealed under the seal and signature of the applicant. Thereupon, theft assessment amount of Rs.99,675 was worked out and the applicants were asked to pay this amount which they paid vide receipt no. 7002237. A bill of compounding charges of Rs.28,000/- was also issued and the same was also paid by the applicant's vide receipt no. 7004258 dated 09.11.2006. Thereafter, the old meter, being meter no. 10875123, was replaced by a new meter, being meter no. 5291323, on 26.10.2006. The non-applicant has produced on record meter replacement report dated 26.10.2006. This meter replacement report is also signed by the applicant Shri Amrit M. Chawdagor. After replacement of meter, requisite report in form no. B-19-25 was sent to the Sub-Division Office. However, effect of meter replacement did not take place in the account of the service connection till January / February 2008 and because of this position, the applicants did not receive energy bills against the consumption recorded by the new meter. The requisite report in the prescribed form B-19-25 was fed to computer and energy bill dated 18.02.2008 against this new meter came to be issued for 10369 units. According to him, in this bill consumption of 10369 units is rightly recorded and this was the applicants' consumption from October 2006 to February, 2008 over a period of 17 months out of which minimum charge for the month of October 2006 for one month has been included in it because of no meter status.

While explaining further as to how the applicants' disputed energy bill in question is correct, he stated that this new meter was installed on 26.10.2006 at initial reading of 00003 while the meter's current reading in the month of February 2008 was 10372 units. Hence, total consumption of 10369 units since installation of this new meter was rightly assessed in the billing month of February 2008. The non-applicant further states that due to some mistake, a faulty meter status was printed in the bill. The bill is Ok. According to the non-applicant, a slab benefit of Rs.23,577.22 is already given to the applicants against the net bill amount of Rs.69,080.06 and the arrear amount now payable by the applicants for the period in question is Rs.45,502.84. The non-applicant has produced on record calculation sheet in this regard clarifying as to how this amount has been worked out.

The non-applicant further stated that the applicants are enjoying the supply of electricity and not paying electricity bills since 26.10.2006 on the erroneous ground that the bill amount is on higher side. He lastly prayed that the applicants' grievance application may be rejected.

The applicants in reply denied the charge of theft of electricity against them saying that they were falsely implicated in this charge. They have produced on record a copy their application on 07.03.2008 addressed to the Chief Engineer, NUZ, Nagpur. They have mentioned in this application that they were under pressure as it was Diwali Festival season in October, 2006 when the alleged theft was detected and, therefore, they paid the theft assessment bill amount vide receipt no. 7002237 and also Rs.28,000/- towards

compounding charges vide receipt no. 4258 dated 09.11.2006. According to them, between January 2007 and June, 2007, they have paid energy bill amounts of Rs.2350/-, Rs.2180/- and Rs.630/- in January, April and June 2007 respectively and, thereafter, they did not receive any bills till October 2008. (which is fact should have been February, 2008). They stated that there is no force in the non-applicants' submissions.

On the point of date of replacement of meter, they stated that the new meter, being meter no. 9005291323, was in fact installed on 09.11.2006 only upon their paying the compounding charges of Rs. 28,000/- and not on 26.10.2006 as stated by the non-applicant.

The grievance of the applicant in this case is about the bill amount for energy consumption since October, 2006 to February 2008 against meter, being meter no. 539132. It is to be seen whether the billing done to the applicant is correct or not.

It is a matter of record that a new meter, being new meter no. 5291323, came to be installed on 26.10.2006 at initial reading of 00003 replacing the old meter no. 10875123 and this replacement was done because of detection of theft at the applicants' premises. It is also an admitted position on record from the non-applicant's side that the effect of change of this meter was not fed to the account of the service connection and, therefore, the CPL is showing the old meter no. in billing months from October 2006 till and inclusive of January, 2008. We find remarks of meter change appearing in the CPL from November 2006 to July 2007. The CPL has obviously generated wrong billing through out this period of 16 months

from November 2007 to February 2008. It is also a matter of record that the current reading of the applicants' meter, being meter no. 9005291323, came to be correctly recorded as 10372 units in the billing month of February 2008. Since this meter was installed at the initial reading 00003, it is obvious that the applicants' consumption over the past period from October 2006 till February 2008 was of 10369 units. This was their actual consumption against the new meter over the past period of 17 months. We have ourselves checked all the calculations shown by the non-applicant in the calculation sheet produced on record and we find that the net bill amount of Rs.69,080.06 payable by the applicant has been worked out correctly along with the slab benefit of Rs.23577.22. We find nothing wrong in the non-applicants' submission that the applicant is liable to pay arrear amount of Rs. 45,502.84 over the past period of 17 months since the applicants have used electricity during this period. The payment already made by the applicants during this period of 17 months is also taken care of while arriving at the amount payable by the applicants. The applicants have already paid amount of Rs. 2350/- on 02.01.2007, Rs.2180/- on 02.04.2007, Rs. 630/- on 18.05.2007 during this period. The entries of this payment are already appearing in the CPL.

As regards the applicants' contention that their new meter was installed on 09.11.2006 and not on 26.10.2006, this Forum observes that the meter replacement report dated 26.10.2006 bears signature of the applicant Shri A.N. Chavdogor and hence, they cannot now deny the factual position on record.

As regards the applicants' submission that some provisional bills were issued in between by the non-applicant, this Forum observes that though some provisional bills were issued, final amount payable by the applicants had remained to be worked out and now the applicants are bound to pay the arrear amount in question rightly arrived at since they have already consumed electricity during this period.

The applicants' allegation that the Jr. Engineer Shri Dabre illegally demanded gratification of Rs. 20,000/- for reducing the bill amount from Rs. 95,000/- to Rs.50,000/-, no proof has been submitted by them to substantiate this allegation. Hence, the same cannot be accepted by us.

As regards the case of theft of electricity and the theft assessment amount and compounding charges payable by the applicants, this Forum holds that it has no jurisdiction to comment thereupon since in terms of Regulation 6.8 clause (b) of the said Regulations, the grievance in respect of theft of electricity is excluded from the jurisdiction of the Forum.

As regards power disconnection notice dated 12.03.2008 issued by the non-applicant, it is an admitted position, that this notice has so far not been acted upon by the non-applicant and it has also been assured during hearing by him that the applicants' power supply will not be disconnected till the final decision of this case.

As regards the applicants' prayer that their bill amount be assessed as per their past per month average consumption, this Forum is unable to grant this request since such a basis is not permissible particularly when there was no complaint about the new meter being faulty.

The net result is that the applicants are now liable to pay the arrear amount of Rs. 45,502.84 pertaining to energy consumption charges over the past period of 17 months from October 2006 to February 2008. The only relief that can be granted by us is about DPC amount of Rs. 1399.85. This Forum observes that DPC amount of Rs.1,399.85 is shown to be recoverable from the applicants in the billing month February 2008. We are of the view that the applicants are not liable to pay this DPC amount because the non-applicant has failed to give effect of change of meter in the account of the service connection over a long period of 17 months for which the applicants cannot be held responsible.

We, therefore, direct the applicants to deposit this amount with the non-applicant. If they require installments for discharging this liability, they may approach the non-applicant separately and in that case, the non-applicant may consider their request as per rules of the Company.

In the result, while allowing the grievance application partially, we direct the applicants to pay the arrear amount of Rs.45,502.84 – DPC amount of Rs. 1399.85.

We are also direct the applicants to effect change of name at the earliest in the service connection account which is still standing in the name of erstwhile owner of Shri P.K. Chaterjee.

The grievance application thus stands disposed of accordingly.

Both the parties are also directed to report compliance of this order before 31.08.2008.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri 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.