

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

Case No. CGRF(NUZ)/0129/2006

- Applicant : Shri D. D. Masaram,
At Akar Builder 2/12,
Near Mental Hospital,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Civil Lines 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 30.06.2006)

The present grievance application has been filed on 09.05.2006 under Regulation 6.4 of the Maharashtra 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 erroneous excessive billing.

Before approaching this Forum, the applicant made a representation dated 29.05.2004 addressed to the Chief Engineer, MSEB, NUZ, Nagpur for correcting his erroneous and excessive energy bill of Rs. 44,300/- issued by the non-applicant on 03.06.2002 against the applicant's meter, being meter no. 9000199617. However, no satisfactory remedy was provided to the applicant and hence the present grievance application. The remedy provided to the applicant on 03.07.2004 revising his energy bill to Rs. 18,295/- is not acceptable to him.

In view of above position, the applicant is deemed to have intimated the Internal Grievance Redressal Cell about the present grievance in terms of Regulation 6.2 of the said Regulations.

The matter was heard by us and adequate opportunity was afforded to both the parties for presenting their cases.

It is the contention of the applicant that he is working in the Police Department and he was allotted one of the blocks (block No. 33/18) in the building known as 'Akar' situated at Nagpur in the year 1994. The electric meter was in the name of Police Commissioner, Nagpur. The applicant used to pay his electricity bills regularly and the last bill of Rs. 1000/- was paid by him on 20.02.2002 which was pertaining to the period from 14.01.2001 to 18.01.2002. The applicant received to his shock & surprise, energy bill dated 03.06.2002 for Rs. 44,300/- which was pertaining to the period from 19.03.2002 to 18.05.2002. This bill was meant for four months.

The applicant vehemently argued that this energy bill was not only excessive but it was also improper, incorrect & unjust.

It is his say that his average energy bill per two months was only Rs. 500/-.

The applicant on receipt of the disputed bill, approached the non-applicant's Officers for correcting this bill. However, nothing concrete happened till 29.05.2004 when he addressed his detailed representation to the Chief Engineer, MSEB, NUZ, Nagpur with a copy to the Jr. Engineer Complaint Redressal Center, Chaoni, Nagpur.

He further submitted that the Executive Engineer, Civil Lines Division, MSEB, NUZ, Nagpur forwarded his complaint dated 29.05.2004 to the Assistant Engineer, MRS Sub-Division, Civil Lines Division, NUZ, Nagpur asking him to take necessary action for correcting the applicant's disputed energy bill for Rs. 44,300/-. Thereupon, the Assistant Engineer addressed a letter, being letter dated 03.07.2004, to the Commissioner of Police, Nagpur stating that the applicant's disputed energy bill was revised to Rs. 18,295/- and that the applicant should make payment of this revised bill within 3 days. The applicant was not satisfied with the correction of his disputed energy bill and thereupon wrote a letter, being letter dated 07.07.2004, addressed to the Executive Engineer, Civil Lines Division, NUZ, Nagpur mentioning therein that the revised bill of Rs. 18,295/- was not acceptable to the applicant. The applicant also requested the Executive Engineer to clarify certain points in the context of this revised energy bill. Despite this position, the applicant's power supply was disconnected on 31.07.2004. The applicant was ultimately served with a final

bill of Rs. 22,140/-, which, according to him, is not correct. He submitted that this finally revised bill of Rs. 22,140/- pertains to a period of 22 months and at the rate of Rs. 500/- for two months which was his previous average consumption, his energy bill ought to have been equivalent to around Rs.5500/. He added that the P.D. bill of Rs.22,140/- sought to be revised is not only exorbitant but it is also unjust, improper and illegal. He, therefore, requested for downward revision of this bill. He has also requested for award of compensation of Rs. 5000/- towards his mental harassment.

The applicant has produced copies of the following documents in support of his contentions.

- 1) His energy bill dated 29.11.2001 for Rs.540/- for the period from 13.09.2001 to 13.11.2001 for 200 units.
- 2) His energy bill dated 31.01.2002 for Rs. 1000/- for 200 units.
- 3) Payment receipt dated 20.02.2002 for Rs. 1000/-.
- 4) His disputed energy bill dated 03.06.2002 for Rs. 44,300/- for 530 units for the period from 19.03.2002 to 18.05.2002 .
- 5) His energy bill dated 06.08.2002 for Rs.12,130/- for 2186 units.
- 6) His energy bill dated 01.02.2003 for Rs. 12,190/- for 268 units.
- 7) His energy bill dated 29.03.2003 for Rs. 13,210/- for 202 units.
- 8) His energy bill dated 02.06.2003 for 594 units for Rs.15,070/-.

- 9) His energy bill dated 06.10.2003 for Rs. 19,320/- for 416 units.
- 10) His energy bill dated 09.12.2003 for Rs. 21,770/- for 510 units.
- 11) His energy bill dated 04.02.2004 for Rs. 23,940/- for 513 Units.
- 12) His energy bill dated 06.04.2004 for Rs. 25,960/- for 423 units.
- 13) His energy bill dated 07.04.2004 for 562 units for Rs.28,580/-.
- 14) A letter dated 03.07.2004 addressed to the Commissioner of Police, Nagpur by the Assistant Engineer, MRS Sub-Division, Civil Lines Division, Nagpur informing him about revision of the applicant's disputed energy bill to Rs. 18,295/-.
- 15) Provisional bill dated 03.07.2004 for Rs. 18,295/-.
- 16) A quotation of Rs. 60/- meant for the meter testing charges.
- 17) Spot inspection report dated 05.12.2003 of the applicant's meter, being meter no. 145915.
- 18) The applicant's application dated 25.05.2004 addressed to the Jr. Engineer, Complaint Redressal Center Chaoni, Nagpur on the subject of restoration of applicant's power supply.
- 19) His complaint application dated 29.05.2004 addressed to the Chief Engineer, MSEB, Nagpur on the subject of correction of the applicant's disputed energy bill.
- 20) A letter dated 19.05.2004 addressed to the Police Inspector, Police Station Sadar, Nagpur by the

Commissioner of Police on the subject of the unpaid arrear amount of applicant's energy bill.

- 21) His letter dated 07.07.2004 addressed to the Executive Engineer, Civil Lines Division, MSEB, NUZ, Nagpur seeking clarification on several points in respect of the revised energy bill of Rs. 18,295/-
- 22) The applicant's complaint being complaint dated 31.07.2004 addressed to the Police Inspector, Sadar Police Station Nagpur against the non-applicant regarding removal of the applicant's electric meter and stoppage of his power supply.
- 23) Acknowledgement of Police Inspector, Police Station Sadar, Nagpur in respect of the applicant's N.C. complaint.
- 24) Letter dated 02.08.2004 addressed by the applicant to the Commissioner of Police, Nagpur seeking permission for filing a case before the Consumer Grievance Redressal Forum.
- 25) Letter, being letter no. 3081 dated 28.06.2004, addressed to the Assistant Engineer, MRS Sub-Division, Civil Lines Division, NUZ, MSEB, Nagpur by the Executive Engineer, Civil Lines Division, NUZ, Nagpur directing the Assistant Engineer to correct the applicant's disputed energy bill and to inspect the applicant's meter.
- 26) Letter dated 05.08.2004 of Commissioner of Police, Nagpur addressed to the Executive Engineer, MSEB, Nagpur on the subject of correction of the applicant's disputed energy bill etc.

- 27) A demi-official letter dated 01.09.2004 of Dy. Commissioner of Police Nagpur addressed to the Chief Engineer, MSEB, NUZ, Nagpur regarding the disputed energy bill of Rs. 44,300/-.
- 28) A letter dated 31.08.2004 addressed by the applicant to the Police Commissioner, Nagpur on the subject of permission to file a case before the Consumer Forum.
- 29) A letter dated 01.03.2005 addressed by the In-charge Additional Dy. Commissioner of Police, Nagpur to the Superintending of Police, Nagpur Rural regarding non payment of amount of Rs. 22,140/- by the applicant.
- 30) His application dated 10.06.2004 addressed to the Police Commissioner, Nagpur requesting for correction of the P.D. bill amount of Rs. 22,140/-.

The applicant lastly submitted that his grievance in question may be removed and his disputed energy bill corrected appropriately. He has also demanded compensation of Rs. 5000/-.

The non-applicant has stated in his parawise report dated 17.05.2006 and also in his oral submissions that energy bill of Rs. 41,787.02 was issued to the applicant way back in March 2002. The applicant, thereupon, had complained to the Chief Engineer by his letter dated 29.05.2004 about correction of his disputed energy bill and that the Chief Engineer instructed on 28.06.2004 for correction of the applicant's disputed energy bill. Accordingly, the applicant's disputed energy bill was corrected in July 2002 and a credit of Rs.42,374.19 was given to the applicant. That time,

the net amount payable by the applicant was Rs. 12,130/- vide applicant's energy bill dated 06.08.2002. The applicant was served with a revised energy bill dated 03.07.2004 for Rs.18,295/-. However, the applicant has not paid any amount of energy bill after 20.02.2002 till date. The last energy bill paid by the applicant was of Rs. 1000/- which he paid of 20.02.2002. Thereafter, not a single paisa is paid by the applicant towards his subsequent energy bills till the date of permanent disconnection of his power supply i.e. till 31.07.2004. The applicant was earlier given energy bills during the period from July 2002 to September 2004 on average basis. In November 2002, energy bill for a period of six months for Rs. 10,796.17 was issued in which credit of Rs. 19,475.50 was given to the applicant.

He added that on receipt of the applicant's letter dated 07.07.2004 for correcting the revised provisional bill amount of Rs. 18295/- issued on 03.07.2004, the applicant was called for discussion and during the course of discussion the applicant showed willingness to make payment of the bill amount in installments. He was thereupon asked to bring a stamp paper of denomination of Rs. 100/-. However, he did not produce the stamp paper and also did not turn up for executing an agreement for payment of the bill amount in installments. Since no response was shown by the applicant, a final P.D. bill of Rs. 22,140/- was issued on 18.12.2004 which is still not paid by him.

The non-applicant further submitted that the final permanent disconnection bill amount of Rs. 22,140/- was correctly worked out and that the applicant ought to have paid

this amount. He also stated that the applicant's grievance of correcting his disputed energy bill of Rs. 44,270/- issued on 03.06.2002 is already removed and that the present grievance application deserves to be dismissed.

The non-applicant has produced the applicant's CPL for the period from January 2002 to April 2006 against consumer no. 410012127092.

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

The basic complaint of the applicant is that an erroneous excessive energy bill of Rs.44370/- was issued by the non-applicant on 03.06.2002 pertaining to the period from 19.03.2002 to 18.12.2002 for 530 units. It is a matter of record that a credit of Rs.42,374.19 was given to the applicant in his energy bill dated 06.08.2002 when net payable amount was shown as 12,130/-. However, the applicant was not satisfied with the correction made by the non-applicant and hence a complaint, being complaint dated 29.05.2004, came to be filed by the applicant. It is also a matter of record that the Executive Engineer, Civil Lines Division, MSEB, NUZ, Nagpur wrote a letter on 28.06.2004 to the Assistant Engineer instructing him to correct the applicant's energy bill of Rs.44,300/-. This means that the applicant's original complaint was not fully redressed till 28.06.2004 although a credit of Rs. 42,374.19 was given to the applicant in the billing month of July 2002. Ultimately, the applicant was served with a revised bill of Rs. 18,295/- on 07.07.2004 by the Assistant

Engineer after he received the Executive Engineer's letter dated 28.06.2004 referred to above. This ultimately means that the applicant's disputed energy bill was revised to Rs.18,295/- and a provisional bill dated 03.07.2004 came to be issued to him. This was followed by the final permanent disconnection bill of Rs. 22,140/- which was issued in December 2004.

The applicant's CPL dis-closes that in November 2002, energy bill for net amount of Rs.10,796.17/- was issued by the non-applicant for 2030 units. This, according to the non-applicant, has taken care of all the previous complaints of the applicant. The CPL further discloses that the applicant's meter, being meter no. 145756, generated erroneous energy bills during the period of 6 months from July 2002 to November 2002 and ultimately the energy bill generated by this meter was corrected by giving credit of Rs. 19,475.50 in the billing month of November 2004. Subsequently, the new meter, being meter no. 145915, was installed in place of the previous meter no. 145756.

Coming to the specific details of the applicant's energy bill for the billing month of November 2002 for Rs.10,796.17/-, it is seen that this bill was meant for 2030 units as disclosed by the applicant's CPL. However, it is a matter of record that the previous reading of the applicant's meter, being meter no. 145756, was 2 while its current reading was 682 during the billing month of November 2002. Hence, obviously this current bill ought to have been for 680 units. The record also shows that as many as 81 units are added as adjusted units, in this figure of 6780 units. Hence, it follows

that the applicant's energy bill was in fact meant for $680 + 81 = 761$ units only as against 2030 units. Here a clear mistake seems to have crept in while calculating the applicant's energy bill amount. Hence, it will not be out of place to conclude that the energy bill issued to the applicant in the billing month of November 2002 was not correctly worked out. It now boils down to this that the applicant's energy bill needs to be corrected and in that, we hold that the non-applicant should rework out the applicant's energy bill meant for only 781 units as against 2030 units wrongly shown in the applicant's CPL in the billing months of November, 2002.

It is a matter of record that a new meter, being meter no. 145914, was installed in place of the applicant previous meter, being meter no. 145756. The applicant's CPL shows that this newly installed meter was functional without any faults. This is further substantiated by the fact that the Inspecting Officer also observed during the course of his inspection of this meter on 05.12.2003 that this meter was fault-free. Hence, it follows that all the energy bill generated by meter no. 145945 after its installation were all according to the metered readings and that is no reason to make any changes in respect of all the current bills generated by this meter from time-to-time till it was permanently disconnected on 31.07.2004. It is also a matter of record that this new meter has been showing applicant's consumption in the range of around 400 to 500 per two months. Hence, the applicant's contention to revise the applicant's disputed energy bill presuming his consumption at the rate of around Rs. 500 for two months at a flat rate cannot be accepted. The applicant

will have to pay his current energy bills generated by his meter, being meter no. 145915 right from the date of its installation till it was permanently disconnected on 31.07.2004.

The only relief that is permissible, according to us, is about the applicant's energy bill of Rs. 10,796.17 meant for November 2002 which was wrongly meant for 2030 units. In that as already held above this bill will have to be revised by the non-applicant considering the applicant's consumption of 781 units and not 2030 units. Once this exact amount is worked out, amount of interest erroneously charged on the excessive amount over and above the charges meant for 781 units will have to be waived by the non-applicant. Needless to say that no change can be permitted in respect of all the correct bills generated by the applicant's meter, being meter no. 145915 right from its installation till the date of its removal. All the current bills in respect of this meter will have to be paid by the applicant.

In his grievance application the applicant has made a request to award compensation of Rs. 5000/- towards his mental harassment caused by the non-applicant. His contention is that his power supply was permanently disconnected on 31.07.2004 without giving any notice to him. This contention is not acceptable to us for the reason that the Assistant Engineer of the non-applicant Company did issue a letter, being letter dated 03.07.2004, asking for payment of revised bill amount of Rs. 18,295/- within a period of three days and directing his Jr. Engineer to disconnect the applicant's power supply in the event of the applicant not

paying the revised bill amount after issuing in seven days' notice. This letter clearly construed to mean a prior notice to the applicant for disconnection of his power supply. The record also shows that the applicant has received this letter on 07.07.2004. Despite this position, the applicant failed to pay the revised bill amount of Rs. 18,295/- which he could have paid under protest. The applicant was, therefore, very much aware of the intended action of the non-applicant about disconnection of his power supply at-least three weeks before actual disconnection of his power supply. It is also a matter of record that the applicant did not pay a single paisa towards his energy consumption charges after 20.02.2002 till the date of disconnection of his power supply i.e. till 31.07.2004. He has failed to pay all the current bill amounts in respect of his fault-free meter, being meter no. 145915. He could have paid all these energy charges under protest and could have continued to dispute the non-applicant's claim.

In view of above position, we include that there is no substance in the applicant's demand for award of compensation. The applicant's request for award of compensation of Rs. 5000/-, thus, stands rejected.

In the result, we allow the applicant's grievance application partially and dispose it off accordingly.

The non-applicant shall accordingly issue a revised bill to the applicant before 31.07.2006.

The non-applicant shall report compliance of this Order to this Forum on or before 15.08.2006.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

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