

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

Case No. CGRF(NUZ)/047/2005

- Applicant : Shri Bhaurao Mahadeo Sorate
Plot No. 640,
Juna Bagadgunj,
Nagpur.
- Non-Applicant : The Nodal Officer,
Executive Engineer,
Mahal 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 20.09.2005)

The present grievance application is filed before this Forum in the prescribed schedule "A" by the applicant on 16.08.2005 as per Regulation No. 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 arrear amount of Rs. 29,014.83/- shown as recoverable in the applicant's energy bill dated 10.05.2005 in respect of his meter No. 9006780666 pertaining to the period from 11.02.2005 to 12.04.2005.

The matter was heard by us on 13.09.2005 and both the parties present were heard by us. Documents produced by both of them are also perused and examined by us.

After receipt of the application in question, the non-applicant was asked to furnish before this Forum his parawise remarks on the applicant's application in terms of Regulations 6.7 and 6.8 of the said Regulations. Accordingly, the non-applicant filed his parawise report on 01.09.2005. A copy thereof was given to the applicant on 13.09.2005 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 has paid all the bills of electricity received from the non-applicant from time-to-time regularly. Particularly, the bills from July 2001 to August,2004 were given to the applicant on the basis of average consumption. The fact that such bills on average basis were being issued to the applicant was also brought to the notice of the Bagadgunj office of the MSEB number of times orally as well as in writing. But no action was taken to set right the faulty actions. The applicant ultimately received a

huge bill of Rs.32,000/- dated 10.05.2005 showing arrear amount of Rs.29,014.83. This matter was referred by the applicant to the Assistant Engineer, Nandanwan S/Dn., MSEB, Nagpur on 27.01.2005. No reply was however, received by the applicant on his communication. The non-applicant also did not supply a copy of the applicant's Consumer's Personal Ledger to him. According to the applicant, he can not be penalized for the mistakes committed by the officials of MSEB.

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

- 1) His electricity bill dated 07.07.2005 for Rs. 27,170/- pertaining to the period from 12.04.2005 to 11.06.2005 showing arrear amount of Rs.24,032.10.
- 2) A letter dated 23.06.2005 addressed to the applicant by the Executive Engineer (Adm) Internal Grievance Redressal Unit, NUC, MSEDCL, Nagpur communicating to him that his faulty meter was replaced in the month of August, 2004 and that on the basis of consumption shown by the new meter, the applicant's electricity bill for the period from July, 2001 to October, 2004 against the faulty average is revised by the Executive Engineer, Mahal Division, Nagpur and further that the electricity bill for Rs.32,062/- issued in the month of October,2004 to the applicant after adjusting the faulty meter bills already paid by the him is correct.

- 3) His letter dated 24.05.2005 addressed to the Assistant Engineer, Nandanwan S/Dn. on the subject of wrong billing.
- 4) His complaint under the said Regulations addressed to the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in office of the Nagpur Urban Zone, MSEB, Nagpur.
- 5) A copy of the duplicate bill for Rs.8000/- issued by the non-applicant on 24.05.2005.
- 6) Payment receipt dated 24.05.2005 for Rs.8000/-.
- 7) His energy bill dated 10.05.2005 for total amount of Rs.32,000/- for the period from 11.02.2005 to 12.04.2005 showing arrear amount of Rs.29,014.83 as recoverable from the applicant.
- 8) A copy of duplicate bill dated 27.01.2005 for Rs.8000/- issued by the non-applicant.
- 9) Payment receipt dated 28.01.2005 for Rs.8000/-.
- 10) Representation dated 27.01.2005 addressed by the applicant to the Secretary, Akhil Bhartiya Grahak Panchayat, (Maharashtra), Nagpur.
- 11) Duplicate bill dated 25.01.2005 for Rs.30,290/- issued by the non-applicant.
- 12) His energy bill dated 08.01.2005 for Rs.71,270/- for the period from 12.10.2004 to 11.12.2004 showing inclusion of arrear amount of Rs.68,056.24/-.
- 13) His energy bill dated 04.09.2004 for Rs.1780/-.
- 14) Payment receipt dated 14.04.2004 for Rs.1780/-.
- 15) His application dated 18.01.2005 addressed to the In-charge Officer of Nandanwan S/Dn., MSEB,

Nagpur on the subject of corrections in current electric bill.

16) His payment receipt dated 27.06.2001 for Rs.1000/-.

He has lastly prayed that since he has paid all the bills received by him from time-to-time, the arrear amount of Rs.29,014.83 shown as recoverable in the energy bill dated 10.05.2005 be withdrawn and further that the interest charged on this arrear amount may also be waived.

The non-applicant has stated in his parawise report that the electricity bill of the applicant for the period from July, 2001 to October,2004 was revised against the faulty average readings and a credit of Rs.30,549.56 was given to the applicant in his energy bill for the billing month of April, 2005. Necessary revised data was fed to the Computer in August,2004. Accordingly, a bill for 15044 units was charged to the applicant in 20 months @ 755 units per month which is less than the actual consumption. Considering this position, the energy bill issued in October,2004 was correct and further that the consumer has to pay a net amount of Rs.32,062.90 after adjusting the bills against faulty meter. He vehemently argued that a credit of Rs.30,549.56 is already given to the applicant in the billing month of April, 2005 after considering the complaint of the applicant and hence there is no substance in the grievance application of the applicant. According to him, the energy bill dated 03.09.2005 issued to the applicant for Rs.13,840/- for the period from 11.06.2005 to 11.08.2005 showing inclusion of arrear amount of Rs.12,024.72 is the

latest electricity bill of the applicant and further that he has to pay this amount.

He has produced a copy of the applicant's Consumer's Personal Ledger in support of his contentions.

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

It is pertinent to note that the non-applicant has admitted that the applicant's meter was faulty for a period of 20 months from July-2001 to August,2004. The faulty meter of the applicant was changed in the month of August,2004. It is also pertinent to note that a charge for consumption of 15114 units pertaining to 20 months during which the applicant's meter was faulty was calculated @ 755 units per month and a net bill of Rs.66,032.58 issued to the applicant in the billing month of October, 2004. The applicant's Consumer Personal Ledger shows the status of applicant's meter as faulty throughout the period from the billing month of December,2001 upto the billing month of June, 2004. There is an indication of meter change shown in the applicant's CPL in the billing month of August, 2004. Hence, it is crystal clear that the applicant's meter was faulty during period from July,2001 to August,2004. This position is also admitted by the non-applicant. The applicant's contention in this respect is that the fact of the bills computed on average basis was brought to the notice of non-applicant number of times orally / as well as in writing but no cognizance was taken by anybody. The energy bill dated 08.01.2005 for Rs.71,220/- issued to the applicant for the period from 12.10.2004 to 11.12.2004 shows

inclusion of arrear amount of Rs.68,056.24. This shows that the non-applicant added the arrear amount pertaining to the period from July,2001 to August, 2004 for the first time in this bill. The non-applicant's contention is that the applicant's meter was faulty for 20 months and hence a total charge for 15114 units was levied upon him considering average consumption of 755 units per month. The non-applicant has, therefore, admitted that the arrear amount in the applicant's energy bill dated 08.01.2005 was shown as recoverable, after a period of two years from the date on which it became first due. Date on which this arrear amount became first due in the instant case is July, 2001. It is also an admitted position that the arrear amount was never shown continuously as recoverable in the applicant's energy bills issued prior to 08.01.2005. In view of this position, this arrear amount becomes irrecoverable in terms of section 56 (2) of the Electricity Act, 2003 the text of which reads as under:-

“(1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works, being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may

discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

PROVIDED that the supply of electricity shall not be cut off if such person deposits, under protest,--

- (a) an amount equal to the sum claimed from him, or
- (b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, 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”.

The non-applicant has stated in his report that a credit of Rs.30,549.56 is already given to the applicant in the billing month of April, 2005. Another credit of Rs.467.83 is also given by the non-applicant to the applicant in his energy bill in the billing month of April, 2005. The applicant is not satisfied with the relief so far provided by the non-applicant to him. His only grievance is that the arrear amount of Rs.29,014.83 included as such in his energy bill dated 10.05.2005 should be withdrawn completely by the non-applicant. The bill dated 10.05.2005 shows that a credit of Rs.35,276.70 is given to the

applicant and the break-up thereof as shown in this bill is as under.

Bill adjacent amount of Rs. (-) 37,017=39

Interest arrear amount Rs. (+) 1,740=69

We do not see any objection in granting relief to the applicant as requested for by him because he is entitled to get such a relief in view of legal provision contained in section 56 (2) of the Electricity Act, 2003.

It is not understood as to why the MSEB officials ignored the oral & written communications of the applicant made to them when he was all the while saying that he is receiving electricity bills only on average basis. The non-applicant company in the instant case has suffered a loss equivalent to the irrecoverable arrear amount and interest thereon. Had the non-applicant enquired into the complaints of the applicant diligently and in time, this situation would not have arisen.

Although a credit is given to the applicant in his energy bills, the fact remains that the non-applicant can not now recover the remaining arrear amount in terms of section 56 (2) of the Electricity Act, 2003.

In view of above, we accept the grievance application of the applicant and direct that the non-applicant shall withdraw the arrear amount of Rs.29,014.83 shown as recoverable in the applicant's energy bill dated 10.05.2005 and also the amount of interest charged to him on this amount in his subsequent energy bills. The non-applicant shall

accordingly issue a revised bill to the applicant keeping in view the observations made by us in this order.

The non-applicant shall also report compliance of this order to this Forum on or before 10.10.2005.

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**