

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

Case No. CGRF(NUZ)/29/2012

Applicant : Shri Gajanan P. Khanzode,
At 301, Niva Apartments,
Ramkrishna Nagar,
Distt. NAGPUR.

Non-applicant : Nodal Officer,
The Executive Engineer,
Congressnagar Division,
Nagpur Urban Circle, MSEDCL,
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 8.5.2012.

The applicant filed present grievance application before this Forum on 13.3.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant's case in brief is that since September 2011, M.S.E.D.C.L. has printed notice on the Electricity Bill that in case of bill payment by Cheque / D.D., date of realization of payment in M.S.E.D.C.L. account, will be taken as date of payment. Applicant filed Grievance application under regulation 6.2 of the said regulations to I.G.R.C. for removing the notice from the bill on 31.1.2012 but no relief is granted. Therefore, the applicant filed present grievance application before this Forum.

2. Payment of cheque is governed by Negotiable Instruments Act and therefore such notice on the bill is illegal. I.G.R.C. has dismissed the application on 28.2.2012 and therefore the applicant filed present grievance application before this Forum. It is well settled legal position that printing such notice on electricity bill since September 2011 without permission of M.E.R.C. is illegal and it should be removed with immediate effect. Therefore applicant filed present grievance application for issuance of directives to M.S.E.D.C.L. to withdraw the notice printed on the bill regarding date of receipt of payment in case of payment by cheque / D.D. with immediate effect and to grant Rs. 2000/- mental and physical agony to the applicant and claim of Rs. 1000/- as cost of this application.

3. Non-applicant denied the case of the applicant by filing reply Dt. 28.3.2012. It is submitted that all the bills are generated as per the directives given by M.S.E.D.C.L.

Corporate office at Mumbai vide amendment No. 2594/H.O./IT/LT Dt. 30.8.2011 and those directives are enclosed with letter along with reply. The strip printed on the bill is caution notice to the consumer that if he is availing cheque facility, he must make payment before 4 days of due date so that amount of cheque will be credited in his account within due date. If the cheque is deposited on the last date, the payment will be credited after due date. In such circumstances, consumer is not entitled to get benefit.

4. Matter was fixed for arguments on 30.3.2012, but the applicant was absent though called for several times. Though sufficient time was granted, the applicant did not turn up. Therefore, Forum heard arguments of Shri Gandewar, Executive Engineer, for Non applicant and perused the record.

5. On every electricity bill last date of payment of bill is printed. Similarly, prompt payment discount is also printed. If prompt payment is made actually and credited in the account of M.S.E.D.C.L. on or before particular date, charges are less and consumer is entitled for prompt payment discount. Therefore, it is common sense that if actual payment is made and it is actually credited in the account of M.S.E.D.C.L. on or before actual date of prompt payment, then only the consumer is entitled for benefit thereof. If any super brain consumer presented the cheque on the last date for prompt payment discount, it is but natural that at least $\frac{3}{4}$

days are required for realization of cheque from one banker to another banker and in such circumstances, prompt payment will be delayed and will be credited in the account of M.S.E.D.C.L. after the expiry of date of prompt payment. Under such circumstances the consumer shall not be entitled for prompt payment discount. Therefore, it is but natural that if the consumer has to seek the benefit of prompt payment, he should hand over the cheque or D.D. well in advance in such a way that amount will be actually credited in the account of M.S.E.D.C.L. on or before last date of prompt payment discount.

6. Similar is the case regarding payment before last date for payment of bill. If the consumer is intending to hand over the cheque to pay electricity bill he has to pay in such a way that cheque or D.D. or pay order will be realized and will be credited actually in the account of M.S.E.D.C.L. on or before last date of payment. Nobody can take disadvantage of this circumstances by handing over cheque (Account Payee) on the last date of payment because it will take time for realization and crediting in the account of M.S.E.D.C.L.

7. Along with reply of non-applicant, M.S.E.D.C.L. had produced the circular issued by Mahavitaran dt. 30.8.2011 issued by Director (Finance), regarding collection of consumers energy bill through R.T.G.S./N.E.F.T.

8. We have carefully perused the circular. It is specifically mentioned at the bottom of the circular that this circular has been issued with the approval of the Competent Authority of M.S.E.D.C.L. Non-applicant had also produced another letter issued by Chief Engineer (IT) of M.S.E.D.C.L. dt. 30.8.2011.

9. Considering the facts and circumstances of the case and evidence on record, in our opinion, there is no irregularity and perversity in printing of such notice on the electricity bill regarding prompt payment discount. Therefore, we find no force and no merits in present grievance application and application deserves to be dismissed.

10. Hence the Forum proceeds to pass the following order:-

ORDER

1) Grievance application is dismissed.

Sd/- (Smt.K.K.Gharat)	Sd/- (Adv.Smt.GauriChandrayan)	Sd/- (ShriShivajirao S.Patil)
MEMBER SECRETARY	MEMBER	CHAIRMAN

Member
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