

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

Case No. CGRF(NUZ)/0134/2006

- Applicant : Shri Ghanshyam B. Singh
M.S.E.B. Colony,
Quarter No. 6,
Umred Road, Om Nagar,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Mahal Division, NUZ,
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.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 10.08.2006)

The present grievance application has been filed on 12.06.2006 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 who is employee of the non-applicant is in respect of illegal recovery of amount of Rs. 55,578/- made by the non-applicant from his salary since the year 2000 towards his electricity consumption charges.

Before filing the present grievance application, the applicant had approached the Internal Grievance Redressal Unit under the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 by filing his complaint, being complaint dated 17.11.2005, on the same subject-matter of the grievance. The Unit, upon enquiry, replied the applicant by its letter, being letter no. 1857, that the applicant's energy bill was already revised and credit given to him in the billing month of January, 2005 and that the arrear amount payable by him up to the billing month of January 2006 was rightly calculated at Rs. 12,800/-. The Unit further requested the applicant to pay the outstanding arrear at the earliest. The applicant was not satisfied with the remedy provided to him by the Unit and hence, the present grievance application.

The matter was heard by us on 31.07.2006 & 07.08.2006.

The applicant's case was presented before us by his nominated representative one Shri D.D. Dave.

Copies of the non-applicant's parawise reports were duly received by the applicant and he was given opportunity to offer his say on this parawise reports also.

The contention of the applicant's representative is that the applicant who is the non-applicant's employee took possession of the MSEB Quarter in August 1990. One Shri P.V. Sharma, Sub-Engineer was occupying this quarter prior to the applicant and an arrear amount of Rs. 4600/- was outstanding against Shri P.V. Sharma at the time when the applicant took possession of the quarter. The electricity meter is still standing in the name of Shri P.V. Sharma. The applicant had been continuously complaining before the appropriate authorities since the year 1996 that the non-applicant had erroneously included arrear amount of Rs. 4600/- which was pertaining to his predecessor Shri P.V. Sharma and that interest on this amount was also being erroneously charged to him. The non-applicant recovered amount of Rs. 25,460/- from the applicant's salary and credit to the extent of Rs. 25,460/- came to be granted in the applicant's CPL in the billing month of December, 2000. Similarly an amount of Rs. 1448/- was also recovered from the applicant's salary and, accordingly, credit for this amount shown in the applicant's CPL in the billing month of February 2001. The applicant did not pay any electricity charges after 16.07.1992 on his own because of non-redressal of his complaint about erroneous inclusion of arrear amount of Rs.4600/- which was pertaining to his predecessor Shri P.V. Sharma. The applicant was informed by the Assistant Engineer, Nandanwan S/Dn., Mahal Division, MSEDCL, Nagpur by letter, being letter no. 2106 dated 25.12.1995, that an arrear amount of Rs. 28,212/- was outstanding against him and that no

payment was made by him towards consumption of electricity after 16.07.1992. The applicant was also asked to make payment of this amount. The applicant disputed the claim of the Assistant Engineer and filed his complaint dated 22.09.1996 with a request to issue a proper bill. Thereafter, the Executive Engineer, Mahal Division, NUZ, MSEDCL, Nagpur informed the Executive Engineer, Construction and Maintenance Division, Gadchiroli (under whose control the applicant was transferred) by his letter no. 5914 dated 19.10.2000 with a copy to the applicant that the applicant's complaint was considered and the arrear amount payable by the applicant upto the June 1997 was calculated at of Rs. 8568/- and that after deducting the amount of Rs. 4600/- which was outstanding against and payable by the applicant's predecessor Shri P.V. Sharma as in August 1990, the net arrear amount payable by the applicant was calculated at Rs. 26,908/- as in the August, 2000. The Executive Engineer requested his counter part at Gadchiroli to recover amount of Rs. 26,908/- from the salary bills of the applicant till full recovery is made. Thereupon, the applicant wrote a letter to the Executive Engineer, Mahal Division, Nagpur on 04.12.2000 complaining that amount of interest and DPC on Rs.4600/- pertaining to Shri P.V. Sharma was erroneously included in the arrear of Rs.26,908/- shown as recoverable from the applicant and that the proposed action of recovering this amount from the applicant's salary was wrong etc. The dispute was continued further by sending application dated 08.10.2000 and another application dated 04.12.2000. Again a similar application was filed by him on 22.02.2005 stating that an amount of Rs. 44,670/- was erroneously recovered from his salary bills from the year 2000 till 3rd April 2004 and that the interest

amount, DPC charged on the arrear amount of Rs. 4600/- pertaining to his predecessor Shri P.V. Sharma was not correct & proper. The last application made by him in this respect was on 19.09.2005. Since no satisfactory remedy was forth-coming, the applicant ultimately filed his complaint before the Internal Grievance Redressal Unit under the MERC's erstwhile Regulations of 2003 on 17.11.2005. The applicant's representative added that even the Internal Grievance Redressal Unit did not provide satisfactory remedy to the applicant's grievance and hence there was no other option before the applicant than to file the present grievance application before this Forum under the said Regulations.

He further strongly contended that the interest amount charged to the applicant on the arrear amount of Rs.4600/- & recovered from him which was payable by his predecessor Shri P.V. Sharma as in August 1990 should have been refunded to the applicant. He continued to submit that a total payment of Rs. 55,578/- has been deducted from the applicant's salary since the year 2000 which is totally incorrect and baseless.

He lastly submitted that appropriate credit may be given to the applicant after considering his submissions.

The non-applicant has stated in his first parawise report dated 29.06.2006 that the energy bill of the applicant is already revised and a credit of Rs. 12,800/- given to him in the billing month of May 2006 and further that the applicant's account is in credit for Rs. 10,656=89/- in the billing month of June 2006. He, however, corrected this parawise report by submitting his subsequent written submission dated 05.08.2006 stating that the credit of Rs. 12,800/- was given twice

erroneously and hence it was earlier wrongly indicated that the applicant's account is in credit for Rs. 10,656=89. The non-applicant, therefore, submitted that one of the double credits for Rs. 12,800/- was being withdrawn. He added that a credit of Rs. 15,890/- was already given to the applicant by the Civil Lines Division of the non-applicant Company by its letter of July, 2004. Effect of this credit of Rs. 15,890/- was given late in the applicant's account in the month of January 2005. Since there was a delay from July 2004 till January 2005 in giving effect to this credit, excess interest to the tune of Rs. 1913=85 erroneously charged is being refunded to him by giving credit for this amount in the applicant's account in the month of August 2006.

On the applicant's complaint of inclusion of past un-paid amount of Rs. 4600/- which was pertaining to his predecessor Shri P.V. Sharma, the non-applicant has submitted that the energy bills pertaining to the present applicant were revised in June 1997 and accordingly, the applicant's share of amount was calculated at 13,168=27 only. Out of this, an amount of Rs. 4600/- was to be recovered from the previous occupier Shri P.V. Sharma. Accordingly, Shri P.V. Sharma made payment of Rs. 4600/- on 12.03.2001. In view of this position, an interest amount of Rs.2898/- ($4600 \times 1.5\% \times 42$) for the period from July 1997 till December 2000 is being refunded to the applicant by giving credit to him in his account for this amount. He added that this amount of Rs.2,898/- will be recovered from Shri P.V. Sharma who was liable to pay these dues.

He lastly submitted that after giving additional credit of Rs. 1913=85 and Rs. 2898/- to the applicant, the applicant's grievance

should no longer survive. He, therefore, urged that the present grievance application may be rejected.

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

In the instant case, the applicant has challenged his energy bills right from August 1990 and onwards. It is a matter of record that an amount of Rs. 4600/- was outstanding against the applicant's predecessor Shri P.V. Sharma as in August 1990. This amount was included in the energy bills of the applicant right from August 1990 till 12.03.2001 on which date Shri Sharma made payment of this amount. The applicant's CPL further reveals that no interest on this amount was charged to the applicant in his energy bills from the month of December 2000 and onwards.

The record also shows that as against the recoveries made from the applicant's salary, following credits were given to him in his energy bills subsequently.

- 1) Rs. 15,890/- in January, 2005 &
- 2) Rs. 12,800/- in May, 2006.

Thus, a total credit of Rs. 28,690/- is given to him as against the recovery of Rs. 26,908/- made from his salary.

Similarly additional credit of Rs. 1913=85 is being given to the applicant in the month of August 2006 and this amount represents amount of interest on Rs. 15,870/- which was actually recovered from the applicant's salary in July 2004 and credit of which was actually given effect to in the applicant's CPL account in the month of January 2005. Moreover, the non-applicant has also assured that an additional

credit Rs. 2898/- towards interest charged erroneously on the amount of Rs. 4600/- pertaining to a period of 42 months from July 1997 to December 2000/- will be given to the applicant. Thus, it is clear that the applicant will be getting an additional credit of a total amount of Rs. $1913=85 + 2898 = 4217.85$. This is a good gesture on the part of the non-applicant.

There is no dispute that an amount of Rs. 4600/- was payable by Shri P.V. Sharma as in August 1990. There is also no dispute that this amount & interest thereon was erroneously included in the applicant's energy bills right from August 1990 till December, 2000. The non-applicant has given a commitment in his written submission that interest portion (of Rs. 2898/-) on this amount of Rs. 4600/- from July 1997 to December 2000 will be refunded to the applicant by giving appropriate credit to him. However, still, the interest amount erroneously charged to the applicant from August, 1990 till July 1997 i.e. for a period of seven years remain to refunded to him. Hence, it will be in the fitness of things if additional credit representing the amount of interest charged & recovered from the applicant for this period of seven years (on the amount of Rs. 4600/-) is also refunded to the applicant.

The applicant's representative has submitted that an amount of Rs. 55,578/- was recovered from the applicant's salary bills since the year 2000. However, no documentary proof was produced by him to substantiate this say.

It is also pertinent to note that the applicant did not pay, on his own, any amount of electricity charges since 16.07.1992. He could have paid, on his own, at least the current electricity bills from

time to time keeping aside his dispute about erroneous inclusion of arrear amount of Rs. 4600/- which was payable by his predecessor & interest thereon. Because of this position, the non-applicant had to recover electricity charges from the applicant's salary.

Nevertheless, in the result, we direct the non-applicant to calculate the amount of additional credit to be given to the applicant as stated by us in this order and give appropriate credit for the amount so calculated to him.

We feel that after giving this additional credit in addition to the credits proposed to be granted by the non-applicant, the applicant's entire grievance should no longer survive.

The applicant's grievance application thus stands disposed off with the above direction.

The non-applicant shall report compliance of this order to this Forum on or before 15.09.2006.

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.**