

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

Case No. CGRF(NUZ)/0135/2006

Applicant : Shri Arvind Mallharrao Nimbalkar,
At Borkhedi, Post Ridhora,
Taluka Katol,
Dist. Nagpur.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Katol 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 03.07.2006)

The present grievance application has been filed on 16.06.2006 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 is in respect of his excessive energy bill dated 08.12.2004 for Rs. 1110/- for 182 units meant for the period from 31.08.2004 to 30.11.2004 and also his subsequent incorrect energy bill dated 09.09.2005 for Rs. 1530/- pertaining to the period from 31.03.2005 to 31.08.2005. His grievance is also in respect of unlawful disconnection of his power supply on 06.07.2005 without any notice to him. He has also demanded compensation towards his mental harassment.

The matter was fixed for hearing on 03.07.2006. On this date, the applicant was present in person. However, the Nodal Officer of the non-applicant Company did not remain present though noticed. One Shri S.R. Khedkar, Upper Division Clerk was present on his behalf. The non-applicant has not submitted any parawise report in terms of Regulation 6.13 of the said Regulations though he was earlier asked to do that.

The UDC Shri Khedkar did not also make any request for adjournment of hearing.

The contention of the applicant is that excessive energy bill of Rs. 1110/- was issued to him on 08.12.2004 which was the energy bill generated by his faulty meter, being meter no. 9001277416. This bill was meant for 182 units for a period of two months from 31.08.2004 to 30.11.2004. The applicant's average consumption was of around 40-50 units per two months. On receipt of this energy bill, he made a complaint before the Jr. Engineer, MSEB at Ridhora requesting for correction of this erroneous energy bill. No attention, whatsoever, was paid by the Jr. Engineer to this complaint. Thereafter, the applicant received energy bill of Rs. 1430/- which was also improper & excessive.

Hence, he made another complaint on 19.09.2005 to the Jr. Engineer with a copy to the Executive Engineer, Katol Division, MSEB, NUZ, Nagpur requesting for revision of his erroneous excessive energy bill of Rs. 1430/-. Although he had been persuing the complaint right from 18.01.2005, no cognizance was taken by anybody & his energy bills were not corrected.

He vehemently argued that instead of correcting his erroneous energy bills, his power supply was permanently disconnected on 06.07.2005, that too, without any notice to him. Since then he is living in his house without any electricity for last about 12 months. This has, in turn, caused a lot mental harassment to him and his humiliation in the society. He has, therefore, requested that the disputed energy bill may be revised appropriately and compensation, as deemed fit, towards mental harassment etc. caused by the non-applicant be awarded.

During the course of arguments he pointed out that one Shri Lokhande, Sub-Engineer or Jr. Engineer In-charge of Ridhora S/Stn. is squarely responsible for the harassment caused to him and his family. He, therefore, also requested that appropriate action may be taken against the Sub-Engineer Shri Lokhande.

The Nodal Officer of the non-applicant Company did not care to submit his parawise report in terms of Regulation 6.13 before this Forum although he was duly served with a notice to that effect. The Nodal Officer also did not bother to remain present before us on the date of hearing i.e. on 03.07.2006. He neither sent any responsible representative who could present the non-applicant's case before us. One Shri Khedkar, UDC was present during the course of hearing.

However no submissions have been made by him during the course of hearing. Hence, there is no other option before us than to conclude that the non-applicant has nothing to say in this matter.

We have perused the applicant's CPL for the period from August 2002, November, 2005.

Documents produced on record by the applicant are also pursued by us.

In the first place, we hold that the applicant is deemed to have intimated his grievance to the Internal Grievance Redressal Cell in terms of Regulation 6.2 of the said Regulations in view of the fact that he did intimate the Jr. Engineer and also the Ex. Engineer of the non-applicant Company on 18.01.2005 and on 19.09.2005 about his grievance and further that his grievance was not forwarded to this Cell by these officers nor any remedy was provided by them to him to his satisfaction.

The applicant's CPL discloses that as many as four different electric meters are shown to be installed during the period from August 2000 till August 2005. Firstly meter, being meter no. 1080291, was in operation from August 2000 to August 2002. This meter seems to have functioned properly. This meter was changed and in its place, meter, being meter No. 1276293, was installed for the period from November 2002 to February 2003. This meter is shown to be faulty. The third meter, being meter No. 1277416, is seen to have been installed replacing the previous faulty meter & this new meter was existing during the period from the billing month of May, 2003 till & inclusive of billing month of February 2005. This third meter was also faulty because it had shown the same previous & current readings

in the billing months of November 2003, February 2003 & May 2003. A remark to the effect that this meter was faulty also appears in the CPL. Subsequently also this meter is shown to be faulty in the billing months of November 2004 & February 2005. This meter shows the same current & previous meter reading of 277 in these two months and also in the billing month of August 2005. This meter was changed and in its place the fourth meter, being meter No. 141810, was installed.

It is also seen that all of a sudden in August 2004, energy bill of 200 units meant for 8 months came to be issued against the faulty meter, being meter No. 1277416. This bill amount is of Rs. 646.87/-. It is a matter of record that applicant's meter, being meter no. 1277416, was replaced by a new meter, being meter no. 141810. Evidently the energy bill for the month of November 2004 for Rs. 1100/- for 182 units was incorrect in as much as this was the energy bill generated by a faulty meter which was faulty since November 2003. The above position amply demonstrates that the applicant's disputed energy bill of Rs. 1100/- dated 08.12.2004 was unjust, improper & illegal. Hence, it is necessary to correct this energy bill. It also follows that the energy bill of Rs. 1420.53 issued for the May, 2005 and also the subsequent energy bill of Rs.1534.76 meant for August 2005 were also not correct.

The applicant, in fact, deserves to be charged only for a maximum period of three months because of the faulty meter. It is also a matter of record that the applicant's bi-monthly consumption was in the range of 50-75 units against a fault-free meter, being meter No. 1030291. This was perhaps the only meter which functioned properly at the applicant's house without any fault. The applicant also

stated this before us. Hence, looking to the circumstances of the case, it will be in fitness of things if the applicant is charged at the rate of around 30 units per month for a maximum of three months only. Hence, we direct that the applicant's disputed energy bills should all be cancelled and a revised bill should be issued to the applicant only for 90 units. Interest charged on the excessive bill amount should also be withdrawn from recovery.

The applicant has vehemently contended that his power supply was disconnected by the Jr. Engineer Shri Lokhande on 06.07.2005 without giving any notice to him. No record has been produced before us to disprove this claim of the applicant. The non-applicant ought to have issued a 15 clear days' notice to the applicant in terms of Section 56 (1) of the Electricity Act, 2003 before disconnecting the applicant's power supply on 06.07.2005, which was not done. Evidently, the non-applicant's action of disconnection of applicant's power supply was in blatant violation of Section 56 (1) of the Electricity Act, 2003. This, no doubt, had caused avoidable hardships and harassment to him. He had to live in his house without any electricity for a long period of about 12 months for no fault on his part.

We are, therefore, inclined to hold and do hold accordingly that some compensation deserves to be awarded to the applicant in the instance case.

In view of this position, we award compensation of Rs. 2000/- (Rs. Two Thousand) to the applicant keeping in view the fact that the applicant has been living in his premises without any electricity for the last about 12 months.

The applicant has, during the course of hearing, made a mention of Sub-Engineer one Shri Lokhande who, according to him, is responsible for the agonies caused to him despite the fact that he has been persuing his rightful complaint in right earnest.

We, therefore, direct the Chief Engineer, MSEDCL, NUZ, Nagpur to enquire into the applicant's allegation against the Sub-Engineer Shri Lokhande and take appropriate action against him if found guilty after due enquiry.

Since the applicant's power supply was disconnected without following the legal procedure laid down in Section 56 (1) of Electricity Act, 2003, we direct that the applicant's power supply should be restored free of charge forthwith and in any case on or before 08.07.2006.

In the result, the applicant's grievance application is allowed & the same is disposed off in terms of relief's described above.

The non-applicant shall report compliance of this Order to this Forum on or before 15.07.2006.

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

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