

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

Case No. CGRF(NUZ)/053/2005

- Applicant : Smt. Kshama Anil Pitale
C/o A.P. Pitale,
Plot No. 67,
Swami Vistar Apartment,
Trimurtinagar,
Nagpur.
- Non-Applicant : The Nodal Officer,
Executive Engineer,
Congress Nagar 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 28.09.2005)

The present grievance application is filed by the applicant on 29.08.2005 in the prescribed schedule "A" before this Forum as per Regulation 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 harassment caused to her by the non-applicant and in respect of non-provision of new electricity connection to her premises. The applicant has also demanded compensation in the context of permanent disconnection of electricity supply of her shop.

The applicant had earlier approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the office of Superintending Engineer, Nagpur Urban Circle, MSEDCL, Nagpur by filing her application dated 21.06.2005 in the prescribed annexure "X" under the said Regulations for redressal of her grievance. However, no action, whatsoever, was taken by this Unit to enquire into her complaint and to give its decision within the prescribed period of two months. Because of this in-action on the part of Internal Grievance Redressal Unit, the applicant had to approach this Forum for redressal of her grievance. We direct the Chief Engineer, NUZ, MSEB, Nagpur to caution the Internal Grievance Redressal Unit to invariably decide the complaints filed before it by consumers within the prescribed time period of two months.

The matter was heard by us on 23.09.2005. Both the parties were heard by us and documents produced by both of them are also perused & examined by us.

After receipt of the grievance application in question, the non-applicant was asked to furnish before this Forum his parawise replies on the applicant's grievance application in terms of Regulations 6.7 & 6.8 of the said

Regulations. Accordingly, he submitted his parawise remarks before this Forum on 23.09.2005. A copy thereof was given to the applicant's nominated representative on 23.09.2005 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The applicant's representative has contended that the applicant owns a shop in plot No. 67, Swami Vistar Apartments, Trimurtinagar, Nagpur where she was running an ice-cream parlour. The day-to-day work of the shop was being looked after by the applicant's husband Shri Mahesh A. Pitale. One Shri Gaikwad Assistant Engineer, In-charge of Trimurtinagar S/stn. approached Shri Mahesh A. Pitale who is the son of the applicant's representative in the present case on one day and demanded illegal gratification of Rs.10,000/- from him. This demand was refuted by Shri Mahesh A. Pitale. Being enraged by the refusal of Shri Mahesh Pitale, the Assistant Engineer Shri Gaikwad sent an exorbitant energy bill of Rs.42,713/- to the applicant. The applicant's representative has produced a copy of applicant's energy bill dated 11.08.2000 for Rs.42,713/- for the period from 22.05.2002 to 19.07.2002 showing total consumption of 6558 units.

It is the contention of the applicant's representative that the applicant had paid all the regular energy bills of the non-applicant from February-1999 till the receipt by her of the energy bill dated 11.08.2000. On receiving this exorbitant bill for Rs.42,417/-, the applicant met the MSEB officials on a number of occasions and also filed several applications from time to time with a request to correct the exorbitant bill. However, no cognizance, whatsoever, was

taken of her complaint. Ultimately, the supply of electricity to the applicant's shop was disconnected on 19.12.2000 by the non-applicant without any notice to her. According to the applicant's representative, a stock of about Rs.30,000/- was in store which was required to be thrown on streets because of abrupt disconnection of supply of electricity. Accordingly to him, the entire stock melted away because of disconnection of supply.

The applicant's representative further contended that because of the abrupt disconnection of supply, the applicant incurred a loss of Rs. 5 lakhs. He added that his son Mahesh A. Pitale who is the husband of the applicant lost his self-employment and that the entire family of the applicant had to undergo a lot of hardships due to erroneous action of the non-applicant.

The applicant ultimately received a revised bill of Rs.4,770/- on 15.09.2003 which the applicant had paid on 16.12.2003. He vehemently argued that by correcting the previous exorbitant bill and sending a revised bill of Rs.4,770/-, the non-applicant has admitted that the earlier bill of Rs.42,713/- sent to the applicant more than 2 ½ years ago was erroneous.

He further contended that although the applicant has paid the revised bill of Rs.4,770/- on 16.12.2003, the non-applicant has not released new connection to the applicant's shop till today.

The applicant's representative has demanded compensation of Rs.5 lakhs on account of harassment and financial loss caused to the applicant.

He has also produced a copy of No Dues Certificate dated 17.12.2003 of the Assistant Engineer, Trimurtinagar, MSEB, Nagpur and stated that there are no dues outstanding against the applicant and yet the non-applicant has not released the new connection.

The applicant's representative has also produced in support of his contention a copy of the applicant's application addressed to the Engineer In-charge of Trimurtinagar, MSEB Office, Nagpur which was duly received by this Office on 18.09.2000 raising complaint about the excess bill of Rs.42,713/-.

The applicant's representative lastly prayed that his grievance may be removed and that compensation of Rs.5 lakhs be awarded.

The non-applicant has stated in his parawise report that his record shows the name of consumer as Shri Krisha A. Pitale while the present grievance application is signed and filed by Smt. Kshama A. Pitale and Shri A.P. Pitale.

Denying all the allegations made by the applicant. the non-applicant has vehemently stated that these allegations are made after lapse of 4/5 years. He admitted that the consumer did receive the energy bill of Rs. 42,770/- during July,2000. However, according to him, the applicant never lodged any complaint to the office of the Assistant Engineer, Trimurtinagar, MSEB, Nagpur to the best of his knowledge. The applicant's connection was permanently disconnected in December, 2000 because of non-payment of the electricity bill. The allegation of the applicant that she has incurred a huge

loss is not acceptable to him. The applicant's meter was permanently disconnected on 19.12.2000 when it was showing a reading of 1863 units while this meter was showing initial reading of 1553 when it was installed on 01.07.2000 replacing the applicants previous meter, being meter number 5237504. Hence, the consumption of the applicant's Ice-cream shop was only 310 units (1863-1553) during the period from July, 2000 to December, 2000. This indicates that practically no business was transacted by the applicant during this period. He added that during review of P.D. consumers, the P.D. final bill of the applicant was re-calculated and all the fictitious billing was withdrawn and the consumer was served with a final bill of Rs.5393/- as per his letter dated 18.07.2003 and after adjusting security deposit amount of Rs. 730/-, the net amount payable was Rs.4633/-. The consumer paid this amount on 16.12.2003, No Dues Certificate was also issued to the consumer on 17.12.2003.

According to him, for the purpose of re-connection, it was obligatory on the part on the applicant to pay minimum charges, cost of meter, reconnection charges and fresh security deposit and to submit new test report. The applicant paid the charges on 16.07.2004 and the test report and receipt were submitted by the applicant on 13.06.2005. However, since the premises was locked and there were no electric fittings like Main switch etc. his staff could not install the meter. Subsequently, a letter under certificate of posting was sent to the consumer asking him to keep his installation ready and this letter was served on the applicant on 21.06.2005. The Assistant Engineer, Trimurtinagar S/Dn. of MSEB personally

visited and inspected the premises and found that the installation like Main switch etc. were not in position. As such a spot panchnama was made on 30.06.2005. The installation of main switch etc was also not ready on 16.09.2005 and the consumer applicant never informed him anything in this regard.

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

- 1) A letter dated 05.04.2003 addressed to one Shri K.S. Pitale communicating to him that his previous bill is revised to Rs.4663/- and asking him to pay this bill within 15 days' time.
- 2) Another letter dated 18.07.2003 addressed to Shri K.A. Pitale informing him about the balance payment of Rs.4663/- asking him to pay this bill.
- 3) Application in the prescribed form for supply of electricity reconnection addressed to the Chief Engineer, NUZ, MSEDCL, Nagpur by the applicant Shri K.A. Pitale alongwith departmental notes.
- 4) No Dues Certificate dated 17.12.2003 issued to the applicant Shri K.A. Pitale.
- 5) Duplicate bills of Rs.800/-, Rs. 190/- and Rs. 4770/- issued by the non-applicant.
- 6) Panchnama dated 30.06.2005 made by the MSEB official.
- 7) Letter number 937 dated 21.06.2005 addressed to Shri K.A. Pitale by the Assistant Engineer, Trimurtinagar, S/Dn., MSEB, Nagpur informing him that the main switch etc. were not found on the spot

when his staff inspected the premises and asking him to complete the formalities.

- 8) The receipt dated 16.07.2004 of energy bill for Rs.2750/-.
- 9) Contractor's test report filed by the applicant on 13.06.2005.
- 10) Firm quotation dated 09.07.2004 for Rs.2750/- issued by the non-applicant towards the total cost of the service connection.
- 11) Consumer Shri K.A. Pitale's Personal Ledger for the period from November, 1997 to July, 2005.

The non-applicant lastly prayed that there is no substance in the grievance application filed by the applicant and that the same may be rejected.

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

The first grievance of the applicant is about harassment caused by one Shri Gaikwad, Assistant Engineer In-charge of Trimurtinagar, MSEB, Nagpur. In that, the applicant's representative has stated that the Assistant Engineer, Shri Gaikwad demanded illegal gratification of Rs. 10,000/- from the applicant's husband which he refuted. No evidence of any kind has been produced before us by the applicant's representative in this connection. His mere statement that the Assistant Engineer, Shri Gaikwad demanded illegal gratification of Rs.10,000/- has no meaning without production of any documentary or other evidence in that respect. Hence, the contention of the applicant that the

Assistant Engineer Shri Gaikwad demanded Rs. 10,000/- from the applicant's husband can not be accepted by us.

However, it is an admitted position that an erroneous and exorbitant bill of Rs.42713/- was sent to the applicant in August, 2000. This erroneous bill has been subsequently revised by the non-applicant and a revised bill of Rs.4770/- was sent to the applicant. There is no doubt that a delay of more than 2 ½ years is caused by the non-applicant in revising the applicant's exorbitant bill of Rs.42713/-.

The applicant's submission is that he did make a complaint to the office of Engineer, Trimurtinagar Office of MSEB in September, 2000. However, according to the applicant, no cognizance was taken of the complaint. The applicant's representative has produced a copy of this complaint which shows that the complaint was received on 18.09.2000 by some-body. However, there is no official stamp of the receiving office. The name of the person who received this complaint is also not mentioned below his signature. Relying on this complaint application, the applicant's representative has contended that instead of correcting the exorbitant bill of Rs.42713/-, the non-applicant disconnected the applicant's supply of electricity in December, 2000 without any notice to her and that the permanent disconnection has caused a loss of Rs.30000/- to the applicant. The applicant has not produced before us any proof to show that a stock of Ice-cream worth Rs.30,000/- was in store in the applicant's Ice-cream Parlour on the date of permanent disconnection. Secondly, it is pertinent to note that the applicant herself has stated in her complaint application dated 18.09.2000 that the

Ice-cream shop is closed since June, 2000. This evidently contradicts the say of the applicant's representative that a stock of ice-cream worth Rs.30,000/- was in store on the date of permanent disconnection. Since the shop of the applicant was closed since June, 2000 as admitted by the applicant, the claim of the applicant for compensation becomes infructuous.

It is also pertinent to note that the applicant has stated in the complaint application dated 18.09.2000 that the initial meter reading of the applicant's meter installed in June, 2000 was 1553 units and further that meter reading of this meter was 1856 units on 18.09.2000. This implies that the applicant's consumption was $1856-1553=313$ units during the period from June, 2000 to 18.09.2000. This amply demonstrates that practically no business was transacted by the applicant between June, 2000 up to 18.09.2000. This also supports the fact that the applicant's shop was closed since June, 2000. It is also a matter to be taken cognizance of that the claim for compensation is made after lapse of more than 4 $\frac{1}{2}$ years.

In the light of above, we are of the view that the claim for compensation is clearly an afterthought and the same cannot be accepted by us.

The applicant has already paid the revised bill amount of Rs.4770/- on 16.12.2003. The applicant's submission is that although this payment is made, the non-applicant has not provided supply of electricity to her till today. In this respect, the non-applicant's stand is that no electric fittings like main switch etc are installed by the applicant when the premises was inspected on 30.06.2005 and also again on

