

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

Case No. CGRF(NUZ)/049/2007

- Applicant : Shri Santosh Jaswant Kothari
At Plot No. 101, Gharpad Road,
Kamptee
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
C.C. O&M Division No. I, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 26.09.2007)

The present grievance application is filed on 05.09.2007 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 erroneous inclusion of bill adjustment amount of Rs.56,652=80 included in his energy bill dated 19.10.2006. He has requested this Forum to revoke inclusion of this amount from his energy bill.

Before approaching this Forum, the applicant had given intimation of his grievance to the non-applicant's Officers by addressing his complaints dated 30.10.2006, 27.11.2006, 20.02.2007 and 20.04.2007. His complaint dated 20.04.2007 addressed to the Executive Engineer, (Adm), NRC, MSEDCL, Nagpur was sent to the Executive Engineer C.C. O&M Division No. I for necessary action vide SE NRC's endorsement bearing no. 2964 dated 30.04.2007. The applicant's complaint has been replied by the Assistant Engineer Kamptee S/Dn., vide his letter, being letter no. 1607 dated 19.06.2007 informing him that the disputed amount in question was included in his energy bill as per the audit report and as such it is not possible to delete the amount from his energy bill. The applicant is not satisfied with the remedy provided to him and hence, the present grievance application.

The intimations given to the various officers of the non-applicant Company is deemed to the intimation given to the IGRC (in short, the Cell) under the said Regulations and as such, the applicant was not required to approach the Cell again for redressal of his grievance.

The matter was heard on 24.09.2007.

The applicant's case was presented before this Forum by his nominated representative one Shri D.D. Dave while the non-applicant Company's case was presented by the Executive Engineer C.C.O&M Dn.-I, MSEDCL, Nagpur.

The contention of the applicant's representative is that inclusion of the bill adjustment amount of Rs.56,652=80 in his energy bill for the month of October 2006 is hit by Section 56 (2) of the Electricity Act, 2003 and the non-applicant's claim of recovery is time-barred. He, therefore, urged that this amount may be withdrawn from recovery. He added that the applicant had approached the non-applicant's officers for redressal of his grievance by filing various applications. However, no satisfactory remedy has since been provided to the applicant's grievance. He reiterated that the amount in question cannot now be recovered from the applicant in terms of Section 56 (2) aforesaid.

The non-applicant has submitted his parawise report dated 21.09.2007. He has stated in this report as well as in his oral submissions that the Dy. Chief Accounts Officer (Internal Audit cell) H.O. Mumbai, during the course of audit for the year 2003-2004, found irregularities and stated that amount of Rs.56,652=80 was recovered less from the applicant during the period from June, 2003 to November 2003 against the applicant's faulty meter, being meter no. 600349. The audit rightly held that the applicant's consumption was low during the aforesaid period as compared to his consumption prior to the period in question. He added that the applicant's meter, being meter no. 600349, was faulty as per the Jr. Engineer's report and that because of faulty meter less consumption was recorded during the aforesaid period. He added that the applicant's load was increased by 20 HP over and above his sanctioned load 19 HP making a total of 39 HP load during the period from 22.04.2003 to 06.11.2003. Despite this position, the applicant's consumption was found to be very low as compared to his

average consumption of above 5000 KWH. According to him, the inclusion of the bill adjustment amount in question as per the audit report was legal and proper. He stated that there is no substance in the applicant's grievance application and it is liable to be dismissed.

It is a matter of record that the bill adjustment amount in question pertains to the period from June 2003 to November 2003. This amount in question came to be included for the first time in the applicant's energy bill for the month of October 2006. Thus, it is clear that disputed amount in question was charged to the applicant much after the period of two years from the date when this amount became first due. It is also a matter of record that the disputed amount in question has not been shown continuously as recoverable as arrear of charges during the period upto October 2006. The audit report was received by the office of the Executive Engineer C.C. O&M Division No. I on 25.09.2006 and thereafter the disputed amount was included in the applicant's energy bill for the month of October 2006. The audit was for the financial year 2003 – 2004. The amount pointed out by the audit had become first due during the period from June 2003 to November 2003. Evidently, the disputed amount in question has been claimed for recovery much after the prescribed of two years in terms of Section 56 (2) of the Electricity Act, 2003.

As laid down in Section 56 (2), no sum due from any consumer, under Section 56 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. The non-applicant's claim of recovering the

disputed amount in question is thus clearly time-barred in terms of Section 56 (2).

A point has been made by the non-applicant that the applicant's meter, being meter no. 600349, was found to be faulty. This, he stated on the basis of Jr. Engineer's report, a copy has been produced on record. Perusal of the Jr. Engineer's report nowhere indicates as to what fault was noticed by him. His mere statement that the meter was faulty is of no consequence. Moreover, the non-applicant has admitted during the course of hearing that this meter was not sent to the testing laboratory for checking accuracy of the meter. Hence, only because the applicant's consumption was found to be low, it cannot be said that his meter was faulty particularly when there is no supporting evidence produced on record to substantiate such a statement.

In the result, we are inclined to hold and do hold accordingly that inclusion of the disputed amount in question in the applicant's energy bill was clearly violative of Section 56 (2) of the Electricity Act, 2003. The non-applicant's claim of recovering this amount is, therefore, time-barred.

We, therefore, allow the applicant's grievance application and direct the non-applicant not to recover the disputed amount in question from the applicant.

The applicant's grievance application stands disposed of accordingly.

The non-applicant shall report compliance of this order to this Forum on or before 31.10.2007.

Sd/-
(S.J. Bhargawa)
Member-Secretary

Sd/-
(S.D. Jahagirdar)
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.