

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

Case No. CGRF(NUZ)/0139/2006

Applicant : Smt. Rukhamabai Ramdas Ramteke
At Khalasi Line,
Near Shiv Mandir,
Nagpur.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Civil Lines 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 08.08.2006)

The present grievance application has been filed before this Forum on 18.07.2006 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 unjust, improper and illegal energy bill dated 20.10.2005 in which past un-paid arrear amount of Rs. 11,643=65 has been shown as recoverable erroneously from the present applicant.

Before approaching this Forum, the applicant had filed her complaint dated 30.11.2005 before the Jr. Engineer of the non-applicant Company. However, it seems that no remedy, whatsoever, was provided to the applicant's grievance and hence, the present grievance application.

The intimation about the applicant's grievance given by her to the Jr. Engineer concerned way back on 30.11.2005 is deemed to be the intimation for the purpose of the said Regulations in view of the fact that the Jr. Engineer did not direct the consumer to approach the Internal Grievance Redressal Cell in terms of the said Regulations.

The matter was heard by us on 08.08.2006.

The case of the applicant was presented before us by her nominated representative one Shri Suniel Jacob.

A copy of the non-applicant's parawise comments dated 03.08.2006 submitted by him in terms of the said Regulations was given to the applicant's representative on 08.08.2006 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant's representative is that the disputed arrear amount shown as recoverable in the energy bill in question has no concern, whatsoever, with the

present applicant and that this arrear amount represents un-paid amount pertaining to past about 20 years. A new electricity connection was released by the non-applicant way back on 06.05.1999 to the applicant and, at that time, or even thereafter till the issuance of the disputed energy bill in question, the past un-paid amount in question was never included in the applicant's bi-monthly energy bills issued by the non-applicant from time to time from 1999 onwards.

The applicant's representative has termed the non-applicant's action of recovery of the past un-paid amount in question as totally illegal.

The applicant had filed her complaint, being complaint dated 20.05.2006, before the Executive Engineer, Civil Lines Division, MSEDCL, NUZ, Nagpur on 20.05.2006 and requested him to withdraw from recovery the disputed arrear amount. However, no cognizance, whatsoever, was taken by him in this regard and on the contrary, the applicant's power supply came to be disconnected temporarily in November, 2005 on the erroneous ground of non-payment of the arrear amount in question. The applicant's representative has produced a copy of the applicant's complaint dated 20.05.2006 and also a copy of her original intimation dated 30.11.2005 referred to by him.

He lastly submitted that the un-paid arrear amount of Rs. 11,643=65 shown as recoverable from the present applicant may be withdrawn from recovery.

The non-applicant has stated in his parawise report that a P.D. amount of Rs.11,643=65 was outstanding against one Shri Babloo Ramdas Ramteke who was living in

the premises presently occupied by the applicant. Hence, his power supply was permanently disconnected on 19.11.1997. Thereafter, a new connection came to be granted to the present applicant in the year 1999 in the same premises. The un-paid amount in question was transferred into the applicant's account and accordingly, energy bill dated 20.10.2005 came to be issued to the present applicant in which the past un-paid amount of Rs. 11,643=65 was shown as recoverable. This was done as per the instructions of Superintending Engineer, NUC, MSEDCL, Nagpur. Since the un-paid amount was not paid by the present applicant, instructions were issued to the concerned officers for serving the applicant with a clear 15 days' notice and directing the applicant to pay the amount in question. Instructions were also issued to disconnect the applicant's power supply after serving 15 days' clear notice in the event of non-payment of the arrear amount in question by the applicant. Since no payment was made by the applicant, the applicant's power supply was temporarily disconnected in November, 2005. The net arrear amount payable by the applicant at present is Rs. 12,070=32.

The non-applicant has produced the applicant's CPL as well as a copy of the CPL of the erstwhile consumer Shri B.R. Ramteke and also a copy of Superintending Engineer's letter dated 02.07.2005.

The non-applicant lastly stated that action taken in the present case in showing the past un-paid amount as recoverable from the applicant is in tune with the instructions issued by the higher authorities.

The first and foremost point that needs to be decided by this Forum is whether recovery of the past un-paid amount in question from the applicant is permissible in the eyes of law.

The fact remains that the un-paid arrear amount of Rs. 11,643=65 is shown as recoverable for the first time in one go from the present applicant in the billing month of October 2005. The applicant's energy bill dated 20.10.2005 and the applicant's CPL confirm this fact. There is also no dispute that this arrear amount was pertaining to the erstwhile consumer one Shri B.R. Ramteke whose power supply was permanently disconnected on 19.11.1997. Evidently the arrear amount in question pertains to the period much prior to 19.11.1997.

It is pertinent to note in the present case that although the arrear amount in question was very much outstanding for recovery as on 19.11.1997, a new connection came to be granted to the present applicant thereafter on 06.05.1999 and at that time, recovery of the un-paid amount was not insisted upon before releasing new connection to the applicant. The applicant's CPL also shows that the un-paid arrear amount in question was never claimed from the present applicant prior to October, 2005. The same is shown as recoverable from the applicant for the first time in October 2005 as against the fact that it had become due for the first time on 19.11.1997 or even much earlier to this date. This un-paid arrear amount is also not shown as continuously recoverable from the applicant prior to October 2005. The applicant's representative's contention is that the arrear

amount in question relates to a period of more than 20 years. The non-applicant was not able to pin-point before us as to the exact period during which this un-paid amount has remained un-recovered from Shri Babloo Ramdas Ramtek whose electric connection was permanently disconnected in the year 1997.

The present case, therefore, squarely falls within the ambit of Section 56 (2) of the Electricity Act, 2003 which stipulates as under.

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer under this section 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 and the licensee shall not cut off the supply of the electricity”.

The non-applicant’s representative present at the hearing when pointedly asked by us also admitted that the claim of recovery in the present case is hit by Section 56 (2) of the Electricity Act, 2003.

In the result, it follows that the arrear amount in question cannot be recovered from the present applicant in terms of Section 56 (2) as recovery thereof is time-barred.

We, therefore direct the non-applicant not to recover the arrear amount in question from the present applicant.

This order is passed by us without prejudice to the non-applicant’s right to recover the un-paid amount in question by suit under law.

Since the non-applicant's claim of recovery from the applicant has been rejected by us, it follows that his action of disconnecting the applicant's power supply was also not legal and proper in terms of Section 56 (2).

Hence, we also direct the non-applicant to restore the applicant's power supply immediately free of cost.

The non-applicant shall report compliance of this Order to this Forum on or before 10.09.2006.

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.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**