

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

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**Case No. CGRF(NUZ)/0141/2006**

- Applicant : Shri Prabhakar M. Kumbhare,  
Plot No. 5, Kamalaxmi Apartment  
Dr. Colony, Chhatrapatinagar,  
Nagpur.
- Non-Applicant : The Nodal Officer-  
Executive Engineer,  
Congressnagar 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 23.08.2006)**

The present grievance application has been filed 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 erroneous inclusion of arrear amount of Rs. 2885/- in his energy bill for the month of April 2006.

Before filing this grievance application, the applicant had approached the Internal Grievance Redressal Cell under the said Regulations by filing his complaint, being complaint dated 18.05.2006, on the same subject matter. The Cell, upon inquiry, replied the applicant by its letter, being letter no. 5321 dated 17.07.2006, that a common electric meter was installed in KamalLaxmi Apartments of which the applicant is one of the occupiers and that an arrear amount of Rs. 23,075.44 was outstanding against this common meter and as such, this arrear amount was distributed equitably among the eight residents of the said apartments. The Cell further informed the applicant that the share of the applicant out of the aforementioned arrear amount of Rs. 23,075.44 comes to Rs.2885/- which was rightly charged and included as amount recoverable from the applicant in his energy bill of April, 2006. The Cell also informed the applicant that he should pay his share of arrear amount to the non-applicant early. The applicant was not satisfied with the remedy provided by the Cell to his grievance and hence, the present grievance application.

The matter was heard by us and both the parties were given adequate opportunity to present their respective say.

The contention of the applicant is that he was not liable to pay the said amount of Rs. 2885/- since it was pertaining to some other consumer namely the KamalLaxmi Apartments. This amount was shown to be included for recovery for the first time in his energy bill for the month of April 2006. Immediately after he received this energy bill, he filed his complaint dated 20.04.2006 addressed to the Chief Engineer, MSEDCL, Nagpur with a copy to the Executive Engineer, Congressnagar Division, MSEDCL, Nagpur requesting therein to correct his energy bill.

The Executive Engineer, upon receipt of this complaint dated 20.04.2006, issued a provisional bill for Rs. 1000/- on 26.04.2006 against the applicant's dispute energy bill of April 2006. Accordingly, the applicant paid this amount on 26.04.2006. The arrear amount in question continued to be included in the applicant's subsequent energy bills for the billing months of May 2006, June 2006 and July 2006 alongwith interest. The applicant continued to agitate his grievance by filing his subsequent applications dated 15.05.2006, dated 18.05.2006, dated 13.06.2006 and 20.06.2006. According to him, there was no dispute regarding his energy bills upto the billing month of March 2005 and the applicant was paying all his energy bills regularly.

He added that the non-applicant's action of including the arrear amount of Rs. 2885/- in one go without having been shown as continuously recoverable in the past period of eight years was unjust, improper and illegal.

He lastly prayed that his grievance in question may be redressed as per his say.

During the course of hearing, the applicant requested for award of compensation of Rs. 2000/- to him towards the harassment caused to him by Jr. Engineer one Shri Nagpurkar.

In his parawise reply, the Nodal Officer of the non-applicant Company has stated that the applicant is his consumer, Vide consumer no. 410012400946 and that the amount of Rs. 2885/- came to be rightly transferred in the applicant's account in the month of April 2006. He added that the applicant's grievance is absolutely uncalled for and unjustified for the reason that the present complainant was one of the flat owners in the scheme constructed on plot No. 5. The scheme is known as KamalLaxmi Apartments. The said scheme of apartments was having a common meter which was in use and enjoyment of all the eight flat owners including the applicant. This common meter was bearing consumer no. 410012400920. He vehemently argued that this being a common meter meant for the use of all the eight flat owners including the applicant, the electric supply was being enjoyed by all of them in order to use and enjoy common facility of electric supply to the common passage, common open space etc. The common meter connection had gone in arrears for the sum of Rs. 23065/- and hence, it came to be disconnected permanently way back in 1997. According to him, since all the eight flat holders in this scheme including the applicant were the beneficiaries of the common meter having consumer no. 410012400920, nothing wrong has happened in transferring the arrear amount of Rs.23065/- into the individual accounts of all the eight flat holders by distributing it equitably among

them. Since there are eight flat holders in this scheme, the share of each one of the eight flat holders including the applicant comes to Rs.2885/- and the same came to be rightly included in the applicant's energy bill for the month of April 2006.

He further submitted that four out of eight flat holders in this scheme of KamalLaxmi Apartments have already paid their share of Rs. 2885/- each while the remaining four flat holders including the applicant have not paid the amount of Rs. 2885/- each although there were notices to pay it. The non-applicant lastly submitted that there is no substance in the applicant's grievance.

In the instant case, it is seen that a common meter, vide consumer no. 410012400920, was installed in the name of KamalLaxmi Apartments at plot no. 5, Chatrapatinagar, Nagpur. This common meter came to be permanently disconnected in the year 1997 because of non-payment of arrear amount of Rs.23065/-. It is also seen that the non-applicant claimed proportionate amount of Rs. 2885/- from the applicant for the first time in the month of April 2006 i.e. after lapse of more than eight years. Copies of CPLs produced by the non-applicant further reveal that this amount of Rs.2885/- was not shown as recoverable continuously from the year 1997 & onwards against the applicant in his account vide consumer no. 410012400946 although it is an admitted fact that this amount first became due for recovery in the year 1997 itself after the common meter in question was permanently disconnected. In view of this position, whatever may be the contentions of the

non-applicant, his action of claiming recovery of Rs.2885/- from the applicant in his energy bill of April 2006 is hit by Section 56 (2) of the Electricity Act, 2003, the text of which reads 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”.

No plausible explanation is forth-coming from the non-applicant as to why the proportionate share of Rs.2885/- was not shown as amount recoverable from the applicant in his past energy bills right from the year 1997 and onwards.

The facts and circumstances as revealed by record amply demonstrate that the non-applicant's action of claiming arrear amount of Rs.2885/- from the applicant is violative of Section 56(2) of the Electricity Act, 2003.

In view of above, we inclined to hold and do hold accordingly that the arrear amount of Rs. 2885/- in question cannot be recovered from the applicant since recovery thereof is time-barred in terms of Section 56 (2).

We, therefore direct the non-applicant not to recover the amount in question from the present applicant. Needless to say that amount of interest charged on this amount of Rs.2885/- and included in the applicant's energy bills issued subsequent to the month of April 2006 shall also not be recovered from the applicant.

It is made clear by us that the above order is passed without prejudice to the non-applicant's right to recover the same by suit as laid down in Section 56 (1) of the Electricity Act, 2003.

The applicant, during the course of hearing, had requested for award of compensation of Rs. 2000/- to him towards harassment caused to him by the Assistant Engineer one Shri Nagpurkar. The applicant's say in this respect is that the Assistant Engineer, Regent Sub-Dn., MSEDCL, Nagpur was having a bias against him and that inclusion of arrear amount of Rs.2885/- was deliberately done by Shri Nagpurkar with a view to harass him. The non-applicant has denied this statement of the applicant. He has produced a copy of the Superintending Engineer's letter, being letter no. 3663, on the subject of action plan of recovery of permanent disconnection arrears addressed to the Executive Engineer, Congressnagar Division, Nagpur and a copy endorsed to Assistant Engineer, Regent S/Dn. Relying on this letter, he states that the Assistant Engineer Shri Nagpurkar took action in pursuance of instructions issued by the Superintending Engineer and as such there was no bias against the applicant. He added that the Assistant Engineer's action was a bonafide action.

We are fully convinced that the action of the Assistant Engineer Shri Nagpurkar was not with an intention to cause any harassment to the applicant for the simple reason that he acted as per instructions issued to him by his higher authority. The S.E.'s letter, being letter no. 3663, clearly supports the contention of the Nodal Officer. There is,

therefore, no justification in the applicant's claim of award of compensation to him. The same is, therefore, rejected.

The applicant's grievance application thus stands disposed of in terms of this order.

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

Sd/-	Sd/-	Sd/-
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
Member-Secretary	MEMBER	CHAIRMAN

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