

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

Case No. CGRF(NUZ)/059/2008

- Applicants : Shri Natthu Ganpat Raut,
At post Sonali, Talsil Katol,
Dist. Nagpur.
(Legal heir of deceased
Shri Ganpat Shankar Raut)
- Non-applicant : MSEDCL represented by
the Assistant Engineer
Shri A.D. Khond
Katol Division, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gauri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 11.12.2008)

This grievance application is filed on 24.11.2008 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 applicant's grievance is in respect of unjust and improper energy bill dated 10.05.2008 for Rs.25,077=91 against consumer no. 427630265553.

Before approaching this Forum, the applicant had filed his grievance on the same subject-matter before the Internal Grievance Redressal Cell (in short, the Cell) vide his application dated 21.07.2008. Besides, the applicant had already filed in the past his complaint on the same subject-matter before the Jr. Engineer S/Dn-II Sawargaon on 29.01.2005 and this was further followed up by him by another application dated 21.07.2008. However, no remedy was provided to his grievance and hence, the present grievance application.

The matter was heard on 10.12.2008.

The applicant submitted that the electricity connection bearing consumer no. 427630265553 was meant for agricultural pump. Supply of electricity provided to this connection has been stopped since the year 1981-82. Despite this position, the non-applicant continued to issue energy bills. Hence, he approached the non-applicant's official by filing his application dated 23.01.2005 contending therein that he is not liable to pay the amounts of energy bills issued after 1982 since no electricity was provided to this connection. The Assistant Lineman has also endorsed on his application dated 23.01.2005 that supply of electricity to this connection has permanently been stopped from the year 1982. He, therefore, contended that the disputed bill in question for Rs.25,077=91 is unjust, improper and illegal. It is his say that he is not liable to pay this amount.

The non-applicant has filed his parawise report dated 05.12.2008 which is on record. A copy of this report was given to the

applicant and he was given opportunity to offer his say on this parawise report.

It has been stated in this report as well as in the oral submissions of the Assistant Engineer Shri A.D. Khond representing the non-applicant Company that issuance of energy bills to the applicant has been stopped from March, 2005 onwards vide his application dated 23.01.2005 and further that the applicant is liable to pay the arrear amount in question since he has used electricity against the aforesaid connection which was permanently disconnected on or about the end of December, 2004. According to him, the arrear bill in question pertains to the period from 31.03.1997 to 31.12.2004. He admitted that for the arrear amount in question is claimed for the first time from the applicant on 10.05.2008 by issuing a letter, being letter no. SAW08/7/132 dated 10.05.2008. He further stated that the disconnected connection was standing in the name of the applicant's father Shri Ganpat Shankar Raut who is not alive now and also that the applicant Shri Natthu Ganpat Raut is claiming to be legal heir of the deceased to Shri Ganpat Shankar Raut. He added that there was no meter provided to the aforesaid connection and HPT supply of electricity was permitted in the past from the Pole directly. Hence, the applicant's contention that the meter meant for this connection was removed in the year 1982 is not correct.

He prayed that the grievance application may be dismissed.

In this case, it is crystal clear that the energy bill dated 10.05.2008 for the arrear amount of Rs.25,077=91 pertains to the period from 31.03.1997 to 31.12.2004. This has also been admitted by the non-applicant. Hence, this claim is adversely hit by the legal

provision contended in Section 56 (2) of the Electricity Act, 2003 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.”

The mandatory requirement of Section 56 (2) is not fulfilled in this matter for sustaining the non-applicant's claim.

In this case, it is also a matter of record that the applicant's supply of electricity was permanently stopped in the year 1982. This is evident from the remarks endorsed by the Assistant Lineman on the applicant's application dated 23.01.2005. It has clearly been mentioned in this endorsement that though the connection was permanently disconnected in the year 1982, the process of issuance of energy bills has not been stopped. Thus, it is very clear that the applicant's power supply was permanently stopped in the year 1982 and not in the year 2005.

In view of above position, we hold that the claim of recovery of the arrear amount in question is time-barred in terms of Section 56 (2) of the Electricity Act, 2003.

The applicant is thus not liable to pay this amount. Hence, the notice dated 10.05.2008 and the electricity bill accompanying this notice for the disputed arrear amount in question are liable to be quashed and the same, therefore, stand quashed.

The applicant did not press his claim of award of compensation during the course of hearing. Question of awarding any compensation, therefore, does not arise.

The grievance application thus stands disposed off accordingly.

The non-applicant shall carryout this order and report compliance on or before 31.12.2008.

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.

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