

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

Case No. CGRF(NUZ)/0145/2006

- Applicant : Shri Tulshidas S. Shewale,
At Manewada Wasti,
Near Buddha Vihar,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Mahal 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 08.09.2006)

The present grievance application has been filed on 21.08.2006 as per 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 and illegal energy bill dated 16.12.2005 for Rs.16,226/- issued to him towards arrears of his energy consumption from November 1985 to November, 2005.

Before approaching this Forum, the applicant had filed his complaint, being complaint dated 05.01.2006, to the Superintending Engineer, Nagpur Urban Circle, MSEDCL, Nagpur requesting for revision of the energy bill in question. However, no remedy, whatsoever, was provided to his grievance by the Superintending Engineer. His complaint application dated 05.01.2006 was also not forwarded to the Internal Grievance Redressal Cell (in short IGRC) by the Superintending Engineer for disposal as per provision contained in the said Regulations.

In view of this position, as laid down in Regulation 6.2 of the said Regulations, the intimation given by the applicant on 05.01.2006 to the Superintending Engineer is deemed to be the intimation given to the IGRC for the purposes of these Regulations.

The matter was heard by us on 08.09.2006.

The applicant's case was presented before us by one Shri Ashish Sudhakar Kamble while Shri Dhote Exe-Engineer, Mahal Dn., MSEDCL, Nagpur presented the case of MSEDCL.

A copy of the parawise report submitted by the non-applicant on 05.09.2006 was given to the applicant's representative on 08.09.2006 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 contended that the applicant is a consumer of the non-applicant Company since the year 1985 vide consumer no. 410010430864. The applicant had paid his energy bill up to September 1989 and thereafter he did not receive any energy bills from the non-applicant. The non-applicant issued energy bill, being bill dated 16.12.2005, to the applicant for Rs. 16,226/- towards the applicant's consumption of power from November 1985 to November, 2005 i.e. for a period of 20 years. This is the first bill of its kind received by the applicant which, according to the applicant's representative, was unjust and illegal. The applicant's representative further contended that the non-applicant cannot issue a such bill of arrears as per law. The applicant upon receipt of the disputed energy bill approached the Superintending Engineer by filing his complaint dated 05.01.2006 for correction of the bill. However, no remedy was provided to his grievance by anybody.

He added that power supply of the applicant was permanently disconnected on 24.11.2005 without giving any prior notice to him to that the effect. The applicant's meter was also removed on disconnection of the power supply. He vehemently argued that the applicant has already paid energy bills upto November, 1989 and as such inclusion of arrear amount for the period from November 1985 till November 1989 in the aforementioned disputed energy bill was also improper and incorrect.

The applicant's representative lastly submitted that the energy bill in question may be corrected appropriately.

The non-applicant has stated in his parawise report as well as orally that applicant's power supply was disconnected on 24.11.2005 on the account of non-payment of energy bills by the applicant right from the year 1985 onwards till November 2005. The applicant's meter was also removed and energy bill, being bill dated 16.12.2005 for Rs.16,226/-, came to be issued to the applicant towards arrear amount pertaining to the period from November 1985 to November 2005. This bill is meant for a total period from 20 years and the bill amount was arrived at by the non-applicant on the basis of the applicant's per month average consumption of 46 units. The applicant had applied for revision of the bill by his application dated 05.01.2006 contending that he has already paid his bills upto June, 1988. Hence, the energy bill amount in question has been revised to Rs. 13,507.88/- and it relates to the period from September 1988 to November 2005. He also stated that the applicant's power supply will be restored if he pays this revised bill amount.

We find this particular case to be classic case of gross negligence on the part of Mahal Division of MSEDCL in as much as there is no record available with the non-applicant showing consumption details in respect of this applicant right from the year 1985 till to-day. When pointedly asked by us, the Nodal Officer admitted that CPL has not been maintained in respect of the present applicant. He also could not give even an iota of any plausible explanation for not doing

this. It is also an admitted fact that the energy bill of Rs.16,226/- containing arrears for a period of 20 years from November 1985 to November 2005 was issued in one go to the applicant. The arrear amount in question was also not shown as continuously recoverable in the energy bills issued to the applicant from time-to-time. As a matter of fact, no bills of any kind were at all issued over this period and this is the basic complaint. The non-applicant was not at all able to prove that energy bills were issued to the applicant on regular basis from time to time over the aforementioned period of 20 years. The previous energy bill is now revised to Rs.13,587.88/- by the non-applicant. The applicant's power supply was permanently disconnected on 24.11.2005 without giving any prior notice to him. It is in this context that the applicant's representative is claiming compensation of Rs. 5000/- towards mental torture of the applicant caused to him by the non-applicant and for forcing the applicant to live in dark w.e.f. 24.11.2005 till to-day.

As laid in Section 56 (2) of the Electricity Act, 2003, no sum due from any consumer under Section 56 (1) 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.

It is crystal clear in this case that the disputed energy bill dated 16.12.2005 was issued by the non-applicant in blatant violation of Section 56 (2).

In the instant case, the non-applicant is permitted by Section 56 (2) to recover the arrear of electricity charges only for period from 16.12.2003 to 16.12.2005 i.e. only for a period of two years. The arrears older than 24 months prior to 16.12.2003 cannot be recovered by the non-applicant since recovery thereof is time-barred in terms of Section 56(2).

It is seen that the applicant was charged for a period of 20 years on the basis of the applicant's average consumption of 46 units per month.

In view of above, the disputed energy bill in question will have to be revised by the non-applicant and fresh bill issued to him for a period of 24 months prior to 16.12.2005 considering the applicant's average consumption at the rate of 46 units per month. The non-applicant, however, shall not recover the past arrears in this case prior to 16.12.2003. No DPC / interest shall be recoverable from the applicant on the arrear amount pertaining to the period prior to 16.12.2003.

It is admitted by the non-applicant during the course of hearing that the applicant's power supply was disconnected on 24.11.2005 without giving 15 clear days' notice to him as required by Section 56 (1) of the Electricity Act, 2003. This action of permanent disconnection of power supply was evidently ab-initio illegal. Hence, we direct the non-applicant to restore the applicant's power supply within 24 hours in any case. A new electric meter should be installed immediately and power supply restored within 24 hours at the applicant's premises. Since no meter cost was earlier recovered from the applicant, the non-applicant is permitted to recover

only the meter cost. It should be noted that no other cost shall be recovered from the applicant.

The applicant's representative has demanded of compensation of Rs. 5000/- during the course of arguments on the ground that the applicant and his family were forced to live in dark from 24.11.2005 till to-day because of illegal permanent disconnection of his power supply. He also strongly contended that a lot of mental torture and humiliation has been caused to the applicant because of the illegal disconnection of his power supply.

In this respect, we hold that the non-applicant's action of power disconnection was ab-initio illegal since no prior notice of any kind was issued to him as required by Section 56 (1) of the Electricity Act, 2003. It is also a fact that the applicant had to suffer mental torture during the period from November 2005 till to-day because of non-availability of electricity at his residence. In view of this, we award compensation of Rs. 1000/- to the applicant. The non-applicant shall pay this compensation to the applicant by raising credit for this amount in the revised bill to be raised against him as directed above.

In the result, the applicant's grievance application is allowed by us partially and the same is disposed off in terms of this order.

The non-applicant shall report compliance of this order to this Forum on or before 30.09.2006.

It is particularly directed that compliance in respect of restoration of power supply to the applicant's premises shall be reported to this Forum within 24 hrs. i.e. on or before 4 PM of 09.09.2006 which the non-applicant assured to do.

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