

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

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**Case No. CGRF(NUZ)/0146/2006**

- Applicant : M/s. Raj Paper Board Industry  
through its Proprietor,  
Shri R.M. Saoji  
At Agneya Apartments,  
Tikekar Road, Dhantoli,  
Nagpur.
- Non-Applicant : The Nodal Officer-  
Executive Engineer,  
C.C. O & M Division-II, 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 15.09.2006)**

The present grievance application has been filed on 22.08.2006 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 allegedly erroneous and illegal energy bill dated 16.01.2006 containing an amount of Rs. 2,01,526/- towards additional billing from November, 2004 to December, 2005.

Before approaching this Forum, the applicant had filed his grievance before the Internal Grievance Redressal Cell (in short the Cell) under the said Regulations. The Cell, upon hearing the applicant and also the MSEDCL Officials, passed an order on 19.07.2006 rejecting the applicant's grievance and holding that energy bill in question was rightly raised against the applicant in terms of Section 56 of the Electricity Act, 2003. The applicant is aggrieved by this order of the Cell and hence, the present grievance application.

Briefly stated facts of the case are as under.:

The applicant is a consumer of MSEDCL vide service connection no. 410013259856 (I.P.). The applicant is doing the business of production of hand made paper board. The applicant has been paying all his energy bills regularly. Accordingly, he paid the respective amounts of his energy bills during the period from November 2004 to December 2005 as per billing done to him from time to time. The multiplying factor (in short M.F.) applicable for billing purposes in respect of the applicant's meter, being meter no. 2149847 for I.P. connection is 02. The billing to the applicant has been done prior to

November, 2004 and also w.e.f. January, 2006 on the basis of MF 02. The applicant's Consumer Personal Ledger (in short CPL) substantiates this fact. However, billing to the applicant has been done by applying M.F. 01 during the period from November, 2004 to December, 2005 which, in fact, ought to have been done by applying M.F. 2. Because of the mistake committed by the non-applicant by showing multiplying factor as one instead of two, less billing came to be done to the applicant during this period. The applicant, on his part, has been paying all his energy bills regularly as per the billing done by the non-applicant from time to time. When the mistake in respect of feeding of a wrong multiplying factor in the applicant's bills came to his notice, the non-applicant raised an additional bill, being bill dated 16.01.2006 amounting to Rs. 2,01,526/-, to the applicant and requested him to make payment thereof. The Assistant Engineer, O&M Sub-Division, Hingna, accordingly, wrote a letter, being letter no. 92 dated 16.01.2006, to the applicant admitting therein the mistake committed in the billing in respect of the MF and requested the applicant to pay the differential amount of Rs. 2,01,526/- which pertains to period from November, 2004 to December, 2005. The applicant was aggrieved by the non-applicant's action of raising of this additional bill and hence he approached the Cell under the said Regulations with a request to withdraw this additional bill. The Cell rejected the applicant's complaint application and held that the additional bill in question was rightly issued in terms of Section 56 of the Electricity Act, 2003. The Cell allowed the applicant to make payment of the bill in question in permissible number of maximum installments without charging any DPC / Interest.

The matter was heard by us on 08.09.2006.

The applicant contended that the order passed by the Cell on 19.07.2006 is unjust and illegal. He added that the non-applicant cannot raise any such bill for the past period from November, 2004 to December 2005 once he has already paid the charges of electricity consumed by him for this period in the past from time to time as per billing already done by the non-applicant. He stressed that the non-applicant has already admitted his mistake of application of a wrong multiplying factor in the applicant's energy bills and as such, the applicant cannot be compelled to pay the amount of the additional bill which has been raised subsequently and that the applicant cannot be saddled with this additional burden for the mistake committed by the non-applicant. Since there was an error on the part of the non-applicant, it is he who should suffer for it and not the applicant.

He submitted that the letter issued by the Assistant Engineer on 16.01.2006 by the Assistant Engineer O&M S/Dn., Hingna asking the applicant to pay the additional bill amount in question was unjust, improper and illegal.

He vehemently argued that there is no legal provision available under the Act or Rules permitting issuance of such an additional bill and that as such, additional demand of Rs. 2,01,526/- raised against him and also the Cell's order dated 19.07.2006 are contrary to law and also that the same are liable to be quashed.

The non-applicant in his parawise report dated 06.09.2006 has stated that nothing illegal has happened in the issuance of an

additional bill in question. He admitted that a mistake was committed while billing the applicant during the period from November 2004 to December, 2005 in as much as the MF was wrongly shown as 01 instead of 02 and because of this mistake, the applicant was charged for less amount. This mistake was corrected w.e.f. January 2006 and additional bill amounting to Rs. 2,01,526/- came to be issued on 16.01.2006. The amount which ought to have been charged to the applicant and recovered from him during the period from November, 2004 to December 2005 is Rs. 4,01,251/- by considering the application of MF as 02 while less amount viz. of Rs. 1,99,725/- was actually charged & recovered from him during the above period because of the mistake as aforesaid. As such, the applicant was liable to pay the differential amount of Rs.2,01,526/-. Accordingly, additional bill for this amount was issued on 16.01.2006 and the applicant was asked to pay this amount. He further strongly contended that the contention of the applicant that the aforementioned additional bill is improper and illegal does not have support of any legal provisions of the Electricity Act, 2003. The bill in question is not contrary to any legal provisions. He further stated that the Cell has considered all the legal aspects in its order dated 19.07.2006 and rightly held that the bill in question is in order. He further submitted that he is prepared to allow the applicant to pay the bill amount in question in maximum installments permitted by the rules of MSEDCL. Moreover, no interest or DPC is going to be charged to the applicant on this additional bill amount.

He lastly prayed that the grievance application in question may be dismissed.

A copy of the applicant's CPL for the period from November 2002 to June, 2006 has been produced on record by the non-applicant.

In the instant case, the only short point to be decided is whether the additional bill dated 16.01.2006 amounting to Rs. 2,01,625/- is legal or not.

The applicant's contention is that this bill is not legal while the contention of the non-applicant is that Section 56 of the Electricity Act, 2003 permits him to recover from the applicant the amount of the additional bill in question.

There is no dispute that a mistake was committed by the non-applicant while billing the applicant during the period from November, 2004 to December, 2005 and in that, the multiplying factor in the bills issued during this period was wrongly shown as MF 1 instead of MF 2. There is also no dispute that the correct multiplying factor applicable to the applicant's service connection is M.F. 2. This is evident from the various entries appearing in the applicant's CPL.

What has happened is that less billing was done to the applicant during the aforementioned period because of application of a wrong multiplying factor. When this mistake was revealed in January, 2006 by the non-applicant, an additional bill of Rs. 2,01,526/- was raised against the applicant on 16.01.2006 by which the applicant is aggrieved.

Although the applicant has contended that the bill in question is not legal, he could not justify his say by pin-pointing the exact provision of law.

Now, Section 56 (2) of the Electricity Act, 2003 provides that no sum due for 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. In the instant case, it is clear that the non-applicant has claimed the additional bill amount in question on 16.01.2006 while this amount had become first due for recovery in November, 2004. Hence, obviously the non-applicant has claimed the additional bill amount in question within a period of two years from November, 2004. Hence, nothing wrong or illegal has happened if the non-applicant has claimed this amount from the applicant through the bill in question.

The contention of the applicant that once he has paid the electricity charges as per bills issued in the past from time to time, the non-applicant is prohibited from raising any additional bill for the same period is not acceptable to us for the reason that Section 56 (2) of the Electricity Act, 2003 permits the Distribution Licensee to claim and recover any sum within a period of two years from the date on which such sum has become first due. Hence, the contentions raised by the applicant are devoid any merits and they do not also have support of law as aforesaid. Moreover, the Cell has already ordered that no DPC / Interest shall be charged to the applicant and also that the amount in question is permitted to be recovered from the applicant in maximum installments.

In the result, we hold that the Cell's order challenged by the applicant is proper and legal and hence, we do not find it proper & legal to interfere with it.

In the result, the present grievance application stands rejected.

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

**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.**