

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

Case No. CGRF(NUZ)/0147/2006

- Applicant : Shri Liladhar H. Wasnik,
At Plot No. 54,
Jogi Nagar,
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 29.09.2006)

The present grievance application has been filed on 02.09.2006 before this Forum 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 his energy bill dated 08.07.2003 for Rs. 47,270/- and also in respect of a subsequent energy bill dated 06.07.2004 for Rs.69,810/- which according to the applicant, are improper, unjust and illegal. His grievance is also in respect of incorrect charge of theft of electricity levelled against him by the non-applicant.

Before approaching this Forum, the applicant had filed his complaint dated 22.06.2006 before the Internal Grievance Redressal Cell (in short the Cell) under the said Regulations on the same subject-matter of the present grievance. The Cell, upon enquiry and hearing, informed the applicant by its letter, being letter no. 5606 dated 28.07.2006, that the applicant's meter was removed from the premises of the applicant because of non-payment of the outstanding dues of electricity in respect of the applicant's service connection no. 410010413013 and that theft of electricity was also detected at the applicant's house. The Cell further informed the applicant that he should make payment of the outstanding arrear amount and also of the theft assessment charges and compounding charges at the earliest in order to avoid further legal action. The applicant is aggrieved by this decision of the Cell and hence, the present grievance application.

The matter was heard by us on 20.09.2006, 21.09.2006 and 27.09.2006.

The applicant's case was presented before this Forum by the applicant himself and also by his nominated representative Smt. Rama Wasnik who is his wife.

The Nodal Officer Shri Dhote, Exe. Engineer, Mahal Division, NUZ, MSEDCL, Nagpur presented the MSEDCL's case.

The applicant has contended that unjust and excessive billing was done to him from August 2002 till April 2003. In that, excessive energy bill amounts of Rs.1,29,748/-, Rs.1,35,850/-, Rs.1,82,573/-, Rs.2,30,558/- and Rs.1,67,295/- were raised against him respectively in the billing months of August 2002, October, 2002, December, 2002, February, 2003 and April, 2003 respectively. According to him, these energy bills raised against him were unjust, improper and excessive in as much as these bills were not at all commensurate with his consumption pattern. He further pointed out that after he persued the matter with the officials of the MSEDCL, a revised energy bill dated 08.07.2003 for Rs. 47,270/- was given to him. The applicant has disputed this revised bill also stating that the same is not acceptable to him, it being incorrect and excessive. He had requested the non-applicant to correct this bill. However, no attention was paid to his request and ultimately after passage of time, excessive bill of Rs.69,810/- dated 06.07.2004 came to be served upon him. His grievance is that this energy bill is also unjust and improper. He had paid an amount of Rs. 10,000/- on 01.09.2004 against this bill as advised to him by the officials of MSEDCL with the hope that this bill would be revised. However, instead of correcting this erroneous energy bill, his service connection

was permanently disconnected and his electric meter removed without any notice to him. Subsequently, he had also paid an additional amount of Rs.28,000/- as was advised to him orally again hoping that his electric connection would be restored. However, his power supply has not yet been restored. He further submitted that instead of redressing his grievance about excessive bills, a false charge of theft of electricity was made against him in or about July 2005 resulting into registration of a false F.I.R. in the Police Station against him.

He strongly contended that he has already paid an amount of Rs. 38,000/- so far against his erroneous energy bills and further that the non-applicant has erroneously transferred the residual unpaid amount of Rs.27,534.25/- into the account of his wife although he was prepared to pay appropriate amount in installments.

He added that the entire action of the non-applicant in raising excessive bills against him is improper. He has requested that his service connection may be restored forth-with and his grievance about excessive billing resolved appropriately.

The Nodal Officer of the non-applicant Company has stated in his parawise report as well as orally that the applicant stopped making payment of electricity dues because of incorrect billing done to him in the month of August, 2002. The last regular payment made by him was of Rs.2359.16 as on 22.07.2002 and after this date, the applicant did not make any payment of his energy bills though his energy bill amount was ultimately reduced to Rs.47,270/- in the billing month of June, 2003 by giving him a total credit of Rs.2,31,196=32. The

accumulated unpaid amount rose upto Rs.69807=42 in the billing month of June, 2004. The applicant made payment of Rs.10,000/- on 01.09.2004 and the unpaid amount remained at Rs.55,534=25 in the billing month of December,2004. In the meantime, his service connection was permanently disconnected on 31.08.2004 because of non-payment of the unpaid arrear amount. Thereafter, the applicant made payment of Rs. 28,000/- on 02.08.2005 and the residual unpaid amount of Rs. 27,534/- was transferred to the applicant's wife's service connection account as per the applicant's application. This amount has still not been paid by the applicant although the applicant & his wife had agreed to make payment of this residual amount in installments.

He added that on 20.07.2005, theft of electricity was detected at the applicant's premises and there upon, F.I.R., being FIR no. 3094/05, was lodged with the Police on 20.07.2005. Theft assessment bill of Rs. 15,862/- was also served upon the applicant alongwith bill of Rs. 4000/- towards compounding charges. The applicant has not paid these amounts neither did he pay the residual amount of Rs.27,534/- outstanding in respect of applicant's P.D. service connection no. 410010413013. Hence, his power supply could not be restored.

The non-applicant lastly stated that the applicant's grievance application may be rejected.

He has produced copies of the relevant CPL, a copy of FIR dated 20.07.2005 and also other documents / sheets showing various details of credits given to the applicant from time to time.

Copies of the documents produced by the non-applicant during the course of hearing were given to the applicant and he was given opportunity to offer his say on this piece of evidence.

The applicant's nominated representative, in reply, stated that the credits given to the applicant as shown in the detailed notes produced by the non-applicant are not adequate. She requested that further appropriate credit may be given to the applicant in view of the fact that the billing done in the past was unjust and improper.

The applicant has denied commitment of theft of electricity by him at his premises.

We have carefully gone through the record of the case, documents produced by both the parties before us and also all submissions, written & oral, made before us by both of them.

It is a fact evidenced by record that incorrect billing was done in the present case from the month of August 2002 till June, 2003. This is also admitted by the non-applicant. The cumulative un-paid amount of the applicant's energy bill rose upto Rs.2,30,558.36/- in the billing month of February, 2003. This bill amount was curtailed by the non-applicant to Rs.47,266.54/- by giving credits in the billing months of April, 2003 and June, 2003. In that, the CPL discloses that firstly credit for an amount of Rs. 1,06,843.39/- inclusive of interest was given to the applicant in the billing month of April 2003 and subsequently additional credit of Rs.1,24,352.93 inclusive of interest has also been given to the applicant.

What needs to be seen in the present case is whether the credits already given to the applicant were proper and adequate and whether there is any scope to grant any further relief.

In this context, it needs to be mentioned that the applicant's first meter, being meter no. 1229112 was undoubtedly faulty since December, 1997 till June, 2000 when it was replaced by another meter, being meter no. 1709149. Although the first faulty meter was replaced in June, 2000 by a new meter, effect of change of meter was not given in the applicant's CPL till the billing month of December, 2002. Even the non-applicant has admitted during the course of hearing that the applicant's first meter, being meter no. 1229112, was faulty since December 1997 till June 2000 when it was replaced by a new meter, being meter no. 1709149. Hence, it was imperative on the part of the non-applicant to have charged the applicant only for a maximum period of six months prior to June, 2000 in terms of Section 26(6) of the Indian Electricity Act, 1910. The documents produced by the non-applicant viz. the docket sheet dated 02.04.2003, the office note dated 19.03.2005 and the miscellaneous report dated 02.04.2003 show that the applicant was charged for a total of 1890 units at the rate 315 units per month for a period of six months from December 1999 to June, 2000 because of the applicant's first meter being faulty. The average of 315 units per month has been arrived at on the basis of the applicant's consumption subsequent to June, 2000 based on the metered readings of the replaced meter, being meter no. 1709149, over a period of 28 months from June, 2000 to October 2002. In

that, it is seen that the new meter, being meter no. 1709149, was showing current reading of 27203 in the month of October, 2002 while the initial reading of this meter at the time of its installation in June, 2000 was 18461. Hence, the applicant's consumption was of $(27203-18461=)$ 8742 units over a period of 28 months. This yields an average of about 315 units per month. Thus, the record shows that the applicant was rightly charged for $(315 \times 6=)$ 1890 units for the six months' period from December 1999 to June, 2000 plus 8742 units for a further period of 28 months from June, 2000 upto October 2002, thus making a total of 10632 units consumed over a period of 34 months from December, 1999 upto October 2002 as against 27302 units for which the applicant was already excessively charged. This revision resulted into giving credit of Rs.1,06,843.39 inclusive of interest of Rs.6525=45 to the applicant pertaining to $(27302-10632=)$ 16,670 units. This was the first credit given to the applicant in the billing month of April, 2003. This is duly reflected in the applicant's CPL. This takes care of setting right the applicant's energy bill upto October, 2002. Here, we do not see any reason to disbelieve the correctness of calculations made by the non-applicant. The credit given to the applicant, according to us, was correct and adequate.

A subsequent credit of Rs. 1,24,352.93 inclusive of interest of Rs. 3962-15 has been given to the applicant as per office note of March, 2005 produced on record by the non-applicant. This credit pertains to the charge from October, 2002 to April, 2003 i.e. for a period of six months. In that, it is a matter of record that the applicant's meter's (Meter No.

1709149) previous reading was 27203 in the month of October 2002 while its final reading was 29679 in April 2003. Hence, the applicant's consumption was of $(29679 - 27203 =)$ 2476 units during this period of six months. It is again a matter of record that the applicant was wrongly charged for 25131 units in his billing month of April 2003 and this charge was shown to be pertaining to the period of six months from October 2002 upto April, 2003. Hence, there was a need for correcting this mistake. For this purpose, the final reading of the applicant's meter in the billing month of April, 2003 shown at 27679 was considered by the non-applicant along with its previous reading of 27203 as it stood in October 2002. Hence, the erroneous charge for 25131 units was quashed and the applicant was charged only for 2476 units in place of 25131 units and a credit of Rs.1,24,352.93 inclusive of interest came to be rightly given by the non-applicant for the period of six months from October 2002 upto April, 2003. It is because of this position that the applicant's energy bill amount was curtailed to Rs. 47,270/- in the billing month of June, 2003 vide applicant's energy bill dated 08.07.2003. Thus, the non-applicant's action was correct and proper.

The contention of the applicant that the revised bill amount of Rs. 47,270/- was also not proper cannot, therefore, be accepted in view of above justification. No cogent and convincing reasons have been put-forth by the applicant or by his nominated representative to prove that the entire process of revision of the applicant's energy bill to Rs.47,270/- as in July, 2003 was not just and proper. This takes care of setting right the applicant's energy bill upto June, 2003.

It is also seen from record that a third meter, being meter no. 1613368, was installed in place of the previous meter being meter no. 170149 and energy bills issued against this third meter from December 2003 and onwards. All the bills are raised as per metered readings against this third meter. It was this third meter which came to be disconnected permanently in or about 31.08.2004. The applicant's last energy bill for October, 2004 has also rightly shown outstanding amount of Rs. 55,534.25. As against this amount, as agreed by the applicant, he had already paid an amount of Rs. 28,000/- on 02.08.2005. Thus, the net amount outstanding against the applicant comes to Rs. 27,534/- which has still remained to be paid by him.

It is a different matter that the non-applicant has erroneously transferred this amount into the live account of the applicant's wife Smt. Rama Wasnik. However, the fact remains that the applicant owes an amount of Rs. 27,534/- to the non-applicant towards un-paid electricity charges against his service connection, being service connection no. 4100104113013 which was permanently disconnected on or about 31.08.2004.

A submission has been made by the applicant that his power connection was disconnected in or about August / September 2004 without giving any prior notice to him to that effect. However, in his written submission dated 21.09.2006 filed before this Forum by him, the applicant has admitted that he was warned about disconnection of his power supply in June / July, 2004 when he approached the concerned Engineer of MSEDCL raising his dispute about alleged erroneous energy

bill of Rs.69,810/- dated 06.07.2004. This clearly demonstrates that he was in receipt of oral notice in or about July, 2004 from the non-applicant in respect of his power disconnection in the event of his failure to pay the arrears of his energy bills. The applicant's say that he was not given any prior intimation for his power disconnection which came to be actually disconnected in the month of August/ September, 2004 is not, therefore, justified.

Moreover, the applicant has already given a letter of undertaking duly signed by him on 04.08.2005 addressed to the Jr. Engineer MSEDCL, Narendra nagar Centre to the effect that he was prepared to pay the outstanding amount of Rs.27,534/- in installments alongwith the theft assessment charges raised against him.

The contentions raised by the applicant, according to us, are devoid of any merits.

In view of above position, we do not see any thing wrong or unjustified on the part of the non-applicant in respect of revision of the applicant's energy bills and also about his power disconnection. All due & proper care was taken by the non-applicant while correctly revising the applicant's erroneous energy bills.

Hence, no additional relief can be granted to the applicant.

A submission has been made by the applicant that a false theft case was registered against him with the police. He has denied theft of electricity. However, the copy of the FIR dated 20.07.2006 produced on record by the non-applicant as also the joint inspection report, Panchnama and Japtinama

dated 20.07.2005 produced on record by the non-applicant show prima-facie evidence of theft of electricity.

We, therefore, are prima-facie of the view that the applicant's grievance in this respect falls within the purview of offences and penalties as provided under Sections 135 to 139 of the Electricity Act, 2003 and hence, this particular grievance does not fall within the jurisdiction of this Forum in terms of Regulation 6.8 of the said Regulations.

The applicant's grievance pertaining to theft charges cannot, therefore, be entertained by us.

In the result, the grievance application fails and the same stands rejected.

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.**