

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

Case No. CGRF(NUZ)/155 /2006

Applicant : Shri Shankar Jaikishan Kanjwani
At C/o Plot No. 436
Kalmana, Nagpur.

Non-applicant : The Nodal Officer-
Executive Engineer,
Gandhibag 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 30.10.2006)

The present grievance application has been filed on 10.10.2006 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 non-issue of energy bills from January, 2006 onwards till 20.08.2006, erroneous levy of fixed charges in his energy bills and also in respect of unjust, improper and illegal disconnection of power supply to his one phase commercial meter.

Before approaching this Forum, the applicant had filed his complaint on 16.03.2006, 17.05.2006 and 10.08.2006 bringing to the notice of the MSEDCL officials that no energy bills were issued to him from January 2006 onwards and requesting them to issue his energy bills.

He had also complained to the Executive Engineer / Chief Engineer on 29.08.2006 bringing to their notice that erroneous fixed charge of Rs. 150/- per month has been included in his energy bills issued on 20.08.2006 and thereafter although, as per rules fixed charge meant for one phase commercial meter was Rs.100/-. According to him, his power supply was disconnected in August, 2006 without any notice to him and without any justification, whatsoever. Hence, he applied to the non-applicant on 29.09.2006 for restoration of his power supply. No action, whatsoever, was taken by the non-applicant on the various applications submitted by him and hence, he had to approach this Forum for redressal of his grievance under said Regulations.

Since the applicant had given intimation about his grievance to the official of the non-applicant Company through his various applications submitted in the past on the subject-matter of the present grievance, it is deemed to be the

intimation given to the Internal Grievance Redressal Cell in terms of Regulation 6.2 of the said Regulations.

The matter was heard by us on 30.10.2006.

One Shri Jaikishan Premchand Kanjwani presented the case of the applicant before this Forum as the applicant's nominated representative. The Nodal Officer Shri Dindawkar, Exe. Engineer, Gandhibag Division, MSEDCL, NUZ, Nagpur presented the case of the non-applicant Company.

It is the contention of the applicant's representative that gross injustice is caused to the applicant in as much as no energy bills were issued from the date of installation of his one phase commercial meter at his premises till 20.08.2006 when first energy bill was issued that too, for eight months' period despite several applications having been filed by him for issuance of energy bills and also because of erroneous and excessive charging of fixed charges not meant for one phase commercial meter. The applicant also suffered because of improper and illegal disconnection of his power supply on the unjustified ground of theft of electricity in a different meter.

He lastly prayed that his grievance may be redressed and his energy bills corrected appropriately.

The non-applicant has submitted in his parawise report that the applicant was sanctioned a one phase commercial meter for commercial use on 05.12.2005. The premises of the applicant were found to be locked during the period from March-2006 to July, 2006 and as such no readings of his meter could be taken. Hence, energy bill for 226 units for

a period of 8 months was issued to the applicant on the basis of his average consumption in August, 2006. The applicant did not pay any amount towards his energy consumption till 27.08.2006 and ultimately, he paid an amount of Rs. 2420/- including amount of arrears on 28.08.2006. A slab benefit of Rs. 1691=60 has also been given to the applicant in the billing month of August 2006. According to him, no injustice of any kind was caused to the applicant.

He added that on 04.08.2006, the Jr. Engineer concerned upon inspection found that the applicant has committed theft of electricity in the applicant's second I.P. meter which was connected on the same service cable with the result that the power supply from the service cable connecting the applicant's commercial meter and also another I.P. meter installed in the same premises came to be disconnected. A First Information Report, being F.I.R. no. 3173, was also lodged with the Police on 07.08.2006 for theft of electricity. A theft assessment of Rs.1,21,431/- was also worked out and a demand note for this amount alongwith a demand note towards compounding charges of Rs.3,60,000/- was issued. The applicant has not paid these amounts as yet.

He reiterated that the applicant's one phase commercial connection, being S.C. No. 410014147768/2 involved in the present case and another I.P. connection, being S.C. No. 41001414789/6, in the same premises of the same applicant were connected through the same service cable. Since theft of electricity was detected in the I.P. connection, power supply to I.P. connection came to be disconnected in August 2006. Since service cable was the same, the applicant's

one phase commercial connection also came to be disconnected automatically.

He lastly stated that there is no substance in the applicant's grievance.

It is a matter of record that one phase commercial connection was issued to the present applicant in or about December, 2005 /January 2006 vide service connection No. 410014147768. It is also seen from the applicant's CPL, a copy of which has been produced by the non-applicant that fixed charge at the rate of Rs. 150/- per month is levied in the applicant's energy bills. The applicant's complaint is that the fixed charges levied are meant for a 3 phase commercial connection and not one phase commercial connection. On a specific query from us, the Nodal Officer categorically admitted that fixed charge of Rs. 100/- per month ought to have been charged to the applicant in his energy bills since he is having one phase commercial meter. It, therefore, follows that the applicant was charged erroneously in his energy bills. The applicant should have been charged at the rate of Rs.100/- per month towards fixed charges in his energy bills. His energy bills, therefore, need to be revised accordingly. In that, the applicant should be given credit of Rs.50/- per month towards fixed charges from March, 2006 till and inclusive of October, 2006. The non-applicant shall accordingly adjust this credit amount in the applicant's ensuing energy bills.

The applicant has specifically pointed out that energy bills were not issued to the applicant despite the fact he had filed several applications from time to time requesting the non-applicant to issue bills. He has also produced copies of

these applications on record which bear stamp of receipt of the office of the concerned Engineer. There was no plausible explanation forthcoming from the Nodal Officer as to why no action was taken to issue energy bills to the applicant. The only contention of the Nodal Officer was that the applicant's premises were found to be locked and hence, no readings could be taken by the concerned meter reader. However, this say of the Nodal Officer gets falsified in view of the documentary evidence produced by the applicant's representative. The non-applicant ought to have taken due care to issue timely energy bills to the applicant in the past. There is no doubt that a credit of Rs.1691=60 has been given to the applicant in the billing month of August 2006. However proper care should be exercised by the non-applicant hereafter to ensure that monthly energy bills are issued to the applicant on time.

A grievance has also been made by the applicant that power supply to his one phase commercial meter, being meter no. 1687824, service connection No. 410014147768, came to be disconnected without any justification, whatsoever. His say is that no theft of electricity was detected in this one phase commercial connection. Hence, there was no reason to disconnect the power supply to this connection. The plea taken by the non-applicant is that since the service cable connecting the applicant's one phase commercial meter and another I.P. meter installed in the same premises of the applicant's brother was the same and because power supply to the I.P. connection was disconnected because of detection of theft of electricity therein, supply of power to the applicant's commercial meter was automatically stopped. In any case, the plea taken by the

non-applicant is not sustainable. Obviously there was nothing wrong with the applicant's one phase commercial meter. There was at all no reason to disconnect its power supply. The non-applicant's action of disconnecting the applicant's power supply to his one phase commercial meter is devoid of any justification. In fact, there should have been a separate service cable for the applicant's one phase commercial connection and for another I.P. connection in the same premises. The applicant's commercial connection cannot be allowed to suffer because of detection of theft of electricity in a separate I.P. connection. The non-applicant, during the course of hearing, admitted this position and assured to lay a separate service cable for the applicant's one phase commercial meter. He also assured that power supply to the applicant's commercial meter will be restored immediately.

In view of this position, we direct the non-applicant to arrange to restore power supply to the applicant's commercial connection on or before 05.11.2006 by laying a separate service cable. The applicant's representative at this point of time stated that no additional charges be recovered from the applicant while installing a separate service cable since he has already paid the demand note amount earlier for getting this connection. The non-applicant assured to take action forth-with. The non-applicant should bear in mind this contention of the applicant while restoring his power supply.

In the result, we allow the present grievance application and disposed it off in terms of this order.

The non-applicant shall report compliance of this order to this Forum on or before 10.11.2006.

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