

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

Case No. CGRF(NUZ)/144/2014

Applicant : Smt. Rajani Nalinkumar Jaiswal,
Plot No. 8, Ratan Nagar,
near Mankapur overbridge,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL, N.U.C.,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 5.8.2014.

1. The applicant filed present grievance application before this Forum on 6.6.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that she runs Ice Cube Manufacturing Unit at Mankapur. The date of connection is 12.12.2012. Meter reading of C.T. meter was not recorded by SNDL since January 2013 to August 2013. Immediately after commissioning of factory surrounding neighbours lodged complaint with N.M.C. since machinery of unit are not installed at the site

sanctioned by N.M.C. N.M.C. issued notices to applicant asking for shifting of machinery from the back side of the plot to front side of the plot. According to notice received from N.M.C. shifting of N.M.C. was done from the period January 2013 to 25.6.2013 for a period of six months and plant was restarted in the month of July 2013. On 4.7.2013, due to heavy rains, C.T. meter box of the meter was burnt. Complaint of burning of meter was lodged with SPANCO. M/s. SNDL has replaced the meter on 8.8.2013. Manufacturing of Ice Cubes is in progress since 8.8.2013. M/s. SNDL authorities have not taken reading from January 2013 to August 2013 and factory was not functioning from January 2013 to 25.6.2013. Energy bills were not issued during the above period. The applicant received energy bill for November 2013 in January 2014. The said bill is excessive bill and it is in dispute. Therefore applicant approached to I.G.R.C. Being aggrieved by the order passed by Learned I.G.R.C. applicant filed application before this Forum.

3. Non applicant denied applicant's case by filing reply dated 11.7.2014. It is submitted that new service connection was released on 12.12.2012. The engaged vendor could not record reading of applicant's meter since address of the factory could not be found. Bills of March 2013 to August 2013 were issued for '0' consumption with normal meter status. There is no provision in billing system of such type of LT meter to indicate any type of status other than normal status. Under the circumstances, the bills were issued with normal status with '0' consumption. Site was traced when complaint of meter burnt was received and burnt meter was replaced by new meter in August 2013. Due to old meter was burnt meter reading was not available and applicant has been charged for past period consumption considering consumption pattern of new meter installed.

Assessed unit of 54331 were charged for the period March 2013 to August 2013 in the billing month of November 2013. According Manager – KCC, factory was in running condition and therefore charging of assessment of 54331 units is correct. As per letter dated 28.4.2014 from N.M.C. as 3 notices respectively Dt. 16.2.2013, 4.3.2013 and 29.3.2013 were issued by N.M.C. to the applicant for shifting of machinery from unauthorized place. It is clear from the contents of N.M.C. letter dated 28.4.2014 that claim of applicant is false in her notarized declaration Dt. 11.1.2014 that NMC officials closed factory on 12.1.2013. N.M.C. has issued first notice on 16.2.2013, 2nd notice on 4.3.2013, and 3rd notice on 29.3.2013 asking the applicant to shift the factory to the sanctioned site. This clearly indicates that factory was operating even after issuance of 3rd notice Dt. 29.3.2013 by N.M.C. Applicant did not submit any reply to N.M.C. in response to the notice. The applicant also failed to produce on record any intimation letter addressed to Commercial Section of SNDL regarding non use of supply due to closure of factory for shifting purpose. All the facts lead to the conclusion that the factory was not actually closed on 12.1.2013 as claimed by the applicant and during the summer season the demand of ice was on its peak, the factory was operational. There is strong reason to believe that factory was in running condition till the meter got burnt. As per CPL monthly average consumption during clack period from September 2013 to January 2014 is in the range of 5000 units and therefore assessment of 6800/- units per month (As per consumption shown by the new meter) for disputed period till old meter was burnt can not be considered unjustified and improper and can not be withdrawn. Order passed by Learned I.G.R.C. is correct. Grievance application deserves to be dismissed.

4. Forum heard arguments of both the sides and perused the record.

5. It is an admitted fact that applicant runs Ice Cube manufacturing unit. Sanctioned load is 45 HP and date of connection is 12.12.2012. Even prudent man knows what is a nature of Ice cube manufacturing unit. In fact it can be run even in a single room and it is not a big plant. That is the only reason why the applicant has initially started this small unit in back side of his house, which ought to have been started in front side of the plot. Therefore it is clear that such small unit can be shifted hardly within a period 8 days but according to the applicant shifting period was since January 2013 to 25.6.2013. Therefore applicant desired to create flimsy picture that date of connection is 12.12.2012 and factory was shifted in January 2013 to 25.6.2013. Therefore applicant wants us to believe that since the date of connection Dt. 12.12.2012 he ran the factory only till 30.12.2012 i.e. only 19 days. According to applicant the plant was restarted in July 2013 and immediately on 4.7.2013 meter was burnt. It means according to the applicant after alleged restart of the factory she ran the factory only for 4 days in July 2013. All these aspects are falsified by the documentary evidence on record. It is noteworthy that SNDL had produced copy of notice Dt. 28.4.2013 issued by N.M.C. to the applicant. In this notice of N.M.C. dated 28.4.2014, it is specifically mentioned that first notice was given to the applicant to shift the factory on 16.2.2013, 2nd notice on 4.3.2013, 3rd notice on 29.3.2013 and 4th notice on Dt. 28.4.2013. Therefore notice Dt. 28.4.2014 issued by N.M.C. shows that on 8.2.2013 neighbour of the applicant Mr. Awasthi complained to N.M.C. and on this complaint all these notices Dt. 16.2.2013, 4.3.2013, 29.3.2013 and 28.4.2013 were issued. It means on 28.4.2013 applicant was running the factory on

the same place and it was never shifted. Therefore it is a bold false that shifting of machinery was done from the period January 2013 to 25.6.2013. Man may lie but not documents. Documentary evidence is on record i.e. notices of N.M.C. issued to applicant have falsified the entire contention of the applicant that shifting of machinery was done from the period January 2013 to 25.6.2013.

6. Secondly, applicant produced certain self created documents on record with efforts to show that lacs of rupees were paid to shifting agency namely Asarambapu Engineering Works Quotation Dt. 4.1.2013, bill on plain paper issued by one Shri Laxman Meshram Dt. 5.5.2013, Quotation Dt. 1.9.2012 issued on letter head of Asarambapu Engineering works shows that expenses are shown for Rs. 175000/-. Bill on plain paper by Shri Laxman MeshramDt. 10.12.2012 shows that total expenses were Rs. 432227/- out of which Rs. 370000/- were paid and amount of Rs. 62,227/- are in balance. Bifurcation of this amount of advance are shown Rs. 50000/- paid on 5.11.2012, 60000/- paid on 11.11.2012, Rs. 60000/- paid on 18.11.2012, Rs. 150000/- paid on 10.12.2012 and Rs. 50000/- paid on 28.12.2012. It is rather surprising to note that when the date of connection was 12.12.2012 and date of complaint by neighbour is 8.2.2013, how and why applicant paid these amounts on Dt. 5.11.2012, 11.11.2012, 18.11.2012, 10.12.2012 and 28.12.2012, forms a big question mark.

7. Secondly, during the course of arguments Forum put up a specific query to the applicant that if really he paid such lacs of rupees to the contractor, Civil Contractor, it is but natural being a business man, payment must be issued by cheques as per the norms of R.B.I. and in such case applicant should produce documentary evidence on record to show that really he paid such big amounts to

the contractors and other for shifting of machinery and applicant even can produce extract of his accounts issued by concerned bank to substantiate his contention. It is rather surprising to note that applicant told before the Forum that not a single payment has been made by cheque and all these amounts are paid in cash. In our opinion, this contention of the applicant is nothing but a bold and utter false. No business man can issue such big amounts in cash. Applicant did not produce any authorized bill duly signed on revenue stamp being the receipt of payment, on record. In our considered opinion such papers produced by the applicant are imaginary and it is nothing but created evidence with malafied intention. Therefore Forum disbelieves these entire documents on record produced by the applicant.

8. Therefore it is clear that factory was never closed and it was running continuously even till the issuance of last notice by N.M.C. Dt. 28.4.2013. Therefore this is bold false that shifting of machinery was done during the period January 2013 to 25.6.2013. According to the applicant plant was restarted in the month of July 2013 and immediately on the 4th day i.e. on 4.7.2013 the meter was burnt. Meter was installed inside the front portion of her house and not in open place. It is not agricultural motor pump's meter which can be burnt in rainy season by rain. This meter installed inside house building can not burn by rain. It appears that intentionally it was burnt to suppress previous consumption. In our considered opinion the entire story given by the applicant is concocted and false.

9. According to SNDL service connection was released on 12.12.2012 but the vendor engaged to take meter reading could not record reading of applicants meter since address of factory could not

be found. The bills from March 2013 to August 2013 were issued for '0' consumption with normal meter status. According to SNDL there is no provision in the billing system of such type of C.T. meter to indicate any other status than normal status. In such circumstances, the bills had to be issued with normal status with '0' consumption due to non availability of meter reading due address of the premises not found. The site was traced when the complaint of meter burnt was received and the burnt meter was replaced by new meter in August 2013 and since the old meter was burnt, meter reading was not available, the applicant has been charged for consumption for last period considering consumption pattern of the new meter installed. Assessed units of 54331 were charged for the period from March 2013, actually from December 2013 to August 2013 in the bill of November 2013. According to Manager-KCC of SNDL factory was in running condition and therefore charging of assessment for 54331 units is correct.

10. It is a practice of SNDL to engage private vendor for meter reading purpose. According to said vendor address of the factory was not traced out. In our considered opinion it is a game of hide and seek. When this small unit which was alleged to have been installed in open site to the back side of the house was shifted in the same plot to front side of the house, how one can not get the address of the factory also forms a big question mark. During the course of arguments the applicant argued that meter is installed at one and same place since beginning till today. From the same meter on same place according to her first connection was given to the unit to back side of the house and thereafter from the same place to the front side of the house. It is a plot and residential house of the applicant. Therefore important question arose how private vendor could not get

address of the unit for months together. Possibility of joining the hands by private vendor to suppress billing can not be ruled out.

11. Secondly, it is pertinent to note that if really according to the applicant he stopped manufacturing in the unit he should have issued a specific letter to SNDL that since such and such date the unit is closed and under shifting and there is no use of electricity. On alleged shifting of unit applicant should have issued another letter that shifting of premises is completed and unit is started. No such letters of closing of unit, shifting of unit and restarting of unit are produced by the applicant on record. Not only this, there is nothing on record to show that applicant sent any reply to NMC notices that on a particular date he closed the unit in back side of house or shifted the unit in front side of the house. In absence of such documentary evidence on record, in our opinion claim of the applicant is not bonafide.

12. All above facts lead to the conclusion that factory was not actually closed on 12.1.2013 as claimed by the applicant and that during the summer season of 2013 when demand of ice is at its peak, the factory was operational. There is strong reason to believe that factory was in running condition till the meter got burnt. The meter was intentionally burnt to suppress previous consumption and manipulations.

13. Moreover, why and how the meter got burnt is also suspicious and it is best known to the applicant. It was in her custody inside residential house under roof.

14. As per CPL monthly average consumption during slack period from September 2013 to January 2014 is in the range of 5000 units and therefore assessment of 54331 units charged in November 2013 bill with monthly average consumption of 6800/- units (As per consumption shown by new meter) for the disputed period till old meter was burnt can not be considered as unjustified and improper and thus can not be withdrawn.

15. It is noteworthy that there is no bar to recover past arrears up to a maximum period of 24 months. In this particular case the recovery pertains to 7 months period from 12.12.2012 up to August 2013.

16. Taking into consideration the entire material on record, in our opinion order passed by Learned I.G.R.C. is perfectly correct, legal and valid and needs no interference. We find no substance and force in present grievance application and application deserves to be dismissed. Hence following order : -

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN