

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

---

**Case No. CGRF(NUZ)/0157/2006**

- Applicant : Shri M.B. Made,  
Plot No. 5, Doctor's Colony,  
Chhatrapatinagar,  
Nagpur.
- Non-Applicant : The Nodal Officer-  
Executive Engineer,  
Congressnagar 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 31.10.2006)**

The present grievance application has been filed on 17.10.2006 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 erroneous inclusion of arrear amount of Rs. 2970/- in his energy bill for the month of April 2006.

Before filing this grievance application, the applicant had approached the Internal Grievance Redressal Cell under the said Regulations by filing his complaint, being complaint dated 17.07.2006, on the same subject matter. The Cell, (in short the Cell) upon inquiry, replied the applicant by its letter, being letter no. 6730 dated 14.09.2006, that a common electric meter was installed in KamalLaxmi Apartments of which the applicant is one of the beneficiary-occupiers and that an arrear amount of Rs. 23,075.44 was outstanding against this common meter and as such, this arrear amount was distributed equitably among the eight residents of the said apartments. The Cell further informed the applicant that the share of the applicant out of the aforementioned arrear amount of Rs. 23,075.44 comes to Rs.2885/- which was rightly charged and included as amount recoverable from the applicant in his energy bill. The Cell also informed the applicant that he should pay his share of arrear amount to the non-applicant early. The applicant was not satisfied with the remedy provided by the Cell to his grievance and hence, the present grievance application.

The matter was heard by us on 30.10.2006 and both the parties were given adequate opportunity to present their respective say.

The contention of the applicant is that he was not liable to pay the said amount of Rs. 2885/- or Rs. 2790/- since it was the liability of some other consumer namely the erstwhile builder. This amount was shown to be included for recovery for the first time in his energy bill for the month of April 2006. Immediately after he received this energy bill, he filed his complaint dated 02.05.2006 addressed to the Assistant Engineer, MSEDCL, Nagpur followed by another reminder dated 01.06.2006 requesting therein to correct his energy bill. Since his complaints were not redressed the applicant approached the Cell by filing his complaint dated 17.07.2006 under the said Regulations. The Cell, upon enquiry, upheld the action of inclusion of the arrear amount in question in the applicant's energy bill and asked him to pay the amount. The applicant being aggrieved by this decision of the Cell has filed this grievance application under the said Regulations.

He added that the non-applicant's action of including the arrear amount of Rs. 2885/- or Rs. 2790/- in one go without having been shown as continuously recoverable in the past period of about ten years was unjust, improper and illegal. He also strongly criticized the non-applicant's action of disconnecting his power supply.

He lastly prayed that his grievance in question may be redressed as per his say

In his parawise reply, the Nodal Officer of the non-applicant Company has stated that the applicant is his consumer, Vide consumer no. 410012400938 and that the amount of Rs. 2885/- came to be rightly transferred in the applicant's account in the month of April 2006. He added that

the applicant's grievance is absolutely uncalled for and unjustified for the reason that the present complainant was one of the flat owners in the scheme constructed on plot No. 5. The scheme is known as KamalLaxmi Apartments. The said scheme of apartments was having a common meter which was in use and enjoyment of all the eight flat owners including the applicant. This common meter was bearing consumer no. 410012400920. He vehemently argued that this being a common meter meant for the use of all the eight flat owners including the applicant, the electric supply was being enjoyed by all of them in order to use and enjoy common facility of electric supply to the common passage, common open space etc. The common meter connection had gone in arrears for the sum of Rs. 23065/- and hence, it came to be disconnected permanently. According to him, since all the eight flat holders in this scheme including the applicant were the beneficiaries of the common meter having consumer no. 410012400920, nothing wrong has happened in transferring the arrear amount of Rs.23065/- into the individual accounts of all the eight flat holders by distributing it equitably among them. Since there are eight flat holders in this scheme, the share of each one of the eight flat holders including the applicant comes to Rs.2885/- and the same came to be rightly included in the applicant's energy bill for the month of April 2006.

He lastly submitted that his entire action including disconnection of power supply of the applicant was correct and legal.

Commenting upon the non-applicant's parawise report, the applicant stated that no relevant details as to when

the builder's meter was permanently disconnected for non-payment of arrears and as to what steps were taken to recover it for all these then years have not been mentioned in it. He further stated that the arrears were outstanding since before occupation of his flat.

In the instant case, it is seen that a common meter, vide consumer no. 410012400920, was installed in the name of KamalLaxmi Apartments at plot no. 5, Chatrapatinagar, Nagpur. This common meter came to be permanently disconnected in the year 1997 or may be even prior to that because of non-payment of arrear amount of Rs.23065/- by the erstwhile consumer. It is also seen that the non-applicant claimed proportionate amount of Rs. 2885/- from the applicant for the first time in the month of April 2006 i.e. after lapse of more than eight years. Copies of CPLs produced by the non-applicant further reveal that this amount of Rs.2885/- was not shown as recoverable continuously from the year 1997 & onwards against the applicant in his account vide consumer no. 410012400938 although it is an admitted fact that this amount first became due for recovery in the year 1997 itself or even prior to that. In view of this position, whatever may be the contentions of the non-applicant, his action of claiming recovery of Rs.2885/- or Rs. 2970/- from the applicant in his energy bill of April 2006 is hit by Section 56 (2) of the Electricity Act, 2003, the text of which reads as under :

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer under this section 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”.

No plausible explanation is forth-coming from the non-applicant as to why the proportionate share of Rs.2885/- was not shown as amount recoverable from the applicant in his past energy bills right from the year 1997 and onwards.

The facts and circumstances as revealed by record amply demonstrate that the non-applicant’s action of claiming arrear amount of Rs.2885/- from the applicant is clearly violative of Section 56(2) of the Electricity Act, 2003.

In view of above, we are inclined to hold and do hold accordingly that the arrear amount of Rs. 2885/- in question cannot be recovered from the applicant since recovery thereof is time-barred in terms of Section 56 (2).

We, therefore, direct the non-applicant not to recover the amount in question from the present applicant. Needless to say that amount of interest / DPC charged on this amount of Rs.2885/- and included in the applicant’s energy bills issued subsequent to the month of April 2006 shall also not be recovered from the applicant.

It is made clear by us that the above order is passed without prejudice to the non-applicant’s right to recover the same by suit as laid down in Section 56 (1) of the Electricity Act, 2003.

The non-applicant’s action of disconnecting applicant’s power supply without prior legal notice as contemplated in Sec. 56 (1) is also unjust and illegal. We,

therefore, direct that the applicant's power supply shall be restored within two days from the date of this order free of cost.

In the result, we allow the applicant's grievance application, and it thus stands disposed of in terms of this order.

The non-applicant shall report compliance of this Order to this Forum on or before 15.11.2006.

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

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**