

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

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**Case No. CGRF(NUZ)/160 /2006**

- Applicant : Shri Ramaji Roodhawa Kamde  
Deceased by legal heir  
Shri Shalikram Kamde  
R/o Palora, Tah. Parshivni,  
Dist. Nagpur.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Division No. -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 06.11.2006)**

The present grievance application has been filed on 20.10.2006 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-issuance of energy bills right from the year 1974 till August, 2004 and also in respect of erroneous energy bills issued on 13.08.2004 and onwards. His grievance is also in respect of wrong calculation of arrear amount payable by him.

Before approaching this Forum the applicant had filed his complaint on the same subject-matter of the grievance on 19.07.2006 addressed to the Assistant Engineer, O&M S/Dn., Parshivni, MSEDCL, NUZ, Nagpur.

He had also approached the Collector, Nagpur by filing his complaint on the same subject-matter of the grievance on 07.02.2005 in Lokshahi Din. The Superintending Engineer, NRC, MSEB, Nagpur replied the applicant by his letter, being letter no. 1638 dated 03.03.2005, informing him that his first energy consumption bill dated 07.10.2004 for Rs.19,373/- has been revised and a revised bill of Rs. 6255/- has been issued to him thus giving him credit of Rs. 13,118/-. The Superintending Engineer further asked the applicant to pay the net amount of Rs. 6255/- towards his energy consumption upto 30.09.2004. The applicant is aggrieved by this decision of the Superintending Engineer, NRC and hence, the present grievance application.

The facts of the case, in brief, are as under.

A meter, being meter no. 940000288240, was installed at the premises of one Shri Ramji Kamade vide consumer no. 422880035594 in the year 1974 and supply of power commenced on 21.01.1974. The present applicant is the son and hence, the legal heir of the deceased Shri Ramaji Rudhwa Kamde. Not a single energy bill was issued right from the year 1974 till August 2004 in respect of this consumer. The first bill meant only for fixed charges of Rs. 7428=60 came to be issued on 13.08.2004. This bill was meant for fixed charges for the period from 27.01.1974 upto 31.07.2004 i.e. for a period of 366 months. The fixed charges seem to be calculated at the rate of Rs.20/- per month. It is has inadvertently been shown in the bill that the period of this particular bill dated 13.08.2004 is for 71 months. This bill in fact is meant for 366 months. Another bill, being bill dated 07.10.2004, for consumption of as much as 9550 units for Rs.19,373=15 came to be issued to the applicant towards the applicant's energy consumption for a period of 68 months. The period of the bill is shown to be from 31.07.2004 to 30.09.2004. As a matter of fact, this bill being the first bill meant for energy consumption charges, it is meant for a period of 368 months w.e.f. 27.01.1974 till 30.09.2004. On receipt of these bills the applicant approached the non-applicant's officials as well as the Collector, Nagpur raising his grievances. It has been mentioned by the applicant in his application dated 29.12.2004 addressed to the Jr. Engineer, Parshivani Sub-Division, MSEDCL, Nagpur that he has been paying all the energy bills pertaining to connection no. 4228002614 standing in the name of consumer Shri Ramji Kamde having similar name as that of the applicant's father. This he did inadvertently. The applicant disputed the aforementioned two bills

before the non-applicant as well as before the Collector, Nagpur. The Superintending Engineer, upon enquiry, revised the applicant's energy bill dated 07.10.2004 from Rs.19,373/- to Rs. 6,255/- and informed the applicant accordingly by his letter, being letter dated 03.03.2005. The applicant is not satisfied with the decision given by the Superintending Engineer. He claims that he has already paid a total amount of Rs. 4,285/- from 29.12.2004 to 27.10.2005 against the revised bill amount of Rs.6,255/- and still his power supply was disconnected on 28.02.2005 on erroneous ground of non-payment of arrear amount by him. The non-applicant has worked out a total arrear amount of Rs.11,008=67 payable by the applicant up to the end of September, 2006 and according to him, after adjusting an amount of Rs.8,210/- in terms of the decision of the Superintending Engineer, the net amount payable by the applicant at the end of the September, 2006 comes to Rs.2,098=67. The applicant, being aggrieved by these actions of the non-applicant, has filed the present grievance application.

The matter was heard by us on 06.11.2006. Following points emerge out for decision in the present case.

- 1) Whether the applicant is liable to pay the fixed charges of Rs.7,428=60 for the period from 27-01-1974 to 31-07-2004 i.e. for a period of 30 years and 6 months billed to him in one go by the non-applicant by issuing the disputed energy bill dated 13.08.2004. If not, what exact quantum of fixed charges is payable by him ?.
- 2) Whether the energy consumption bill dated 07.10.2004 meant for 9550 units for Rs.19,373=15 purportedly meant for 368 months issued in one go on 07.10.2004 to the applicant is

proper, correct and legal. If not, what portion of this bill is proper and legal ?.

- 3) Whether, against the backdrop of above two points, the Superintending Engineer's decision dated 03.03.2005 giving credit of Rs.13,118/- and revising the applicant's energy consumption bill dated 07.10.2004 to Rs. 6255/- meant upto 30.09.2004 adequately redresses the applicant's grievance;
- 4) Whether the non-applicant's action of disconnection of applicant's power supply on 28.02.2005 was correct and legal.

The applicant's contention on all these points is that not single energy bill was issued to the applicant right from the year 1974 till 13.08.2004 when the first bill for Rs. 7,428=60 came to be issued by the non-applicant followed by another bill dated 07.10.2004 which was meant energy consumption charges of the applicant for long period of more than 30 years.

He has disputed all the actions of the non-applicant including that of the Superintending Engineer, NRC, MSEDCL, Nagpur. He contended that he has already paid an amount of Rs.4,285/- from 29.12.2004 till 27.10.2005 and still an erroneous arrear amount has been shown to be payable by him. He also submitted that he has already paid energy bills of some other consumer having close similarity with the name of his father inadvertently and hence, these payments may be taken into consideration.

He has requested that appropriate relief may be given to him in his energy bills. He also contended that his power supply has been disconnected on 28.02.2005 and hence his family remained in dark for a period of about 8 months.

The non-applicant has admitted in his parawise report that the first bill towards fixed charges was issued to the applicant on 13.08.2004 and this bill was meant for 371 months from 21.01.1974 to 31.07.2004. The applicant was billed on average basis of Rs. 20/- per month over a period 371 months. A subsequent bill dated 07.10.2004 was issued for Rs.19,373=15 towards energy consumption for 68 months. He has also referred to the applicant's complaint before the Collector, Nagpur filed in Lokshahi Din and submitted that his grievance has been settled by the Superintending Engineer, and in that, his energy bill of Rs.19,373/- issued on 07.10.2004 has been reduced to Rs. 6,255/-. He has further worked out the net arrear amount payable by the applicant till the end of September, 2006 and in that, after adjusting all the due credit amounts, the applicant becomes liable to pay a net amount of Rs. 2,098=67. While arriving at this net amount, the non-applicant has considered the total amount of Rs.4,285/- paid by the applicant so far. According to him, the applicant's grievance does not survive in view of above position.

As regards the first point referred to above, it is an admitted position that a bill of Rs.7,428=60 towards fixed charges only came to be issued on 13.08.2004 and that this bill was the first of its kind issued after lapse of a period of more than 30 years. This bill is meant for the period from 27.01.1974 to 31.07.2004 i.e. a total period of 30 years and six months. The non-applicant states that fixed charges at the rate of Rs. 20/- per month were levied in this bill. Since this bill was issued on 13.08.2004 i.e. after coming into force of the Electricity Act, 2003, evidently the same is hit by Section 56 (2) of the Act in as much as the bill was issued on 13.08.2004 meant for a period of 366 months.

Obviously this bill becomes totally illegal in terms of Section 56 (2). The requirement laid down in Section 56 (2) is clearly violated by this bill. It is admissible in terms of Section 56 (2) to recover fixed charges for a period of 24 months only preceeding the date of this bill. Fixed charges older than this period of 24 months prior to 13.08.2002 are time-barred from recovery point of view. Hence, it follows that fixed charges at the rate of Rs.20/- per month for a period of 24 month only i.e. for Rs.480/- are permissible for recovery in terms of Section 56 (2). Thus a credit of Rs.7,428/- (-) Rs.480/- = Rs. 6,948/- becomes permissible to the applicant against the disputed bill dated 1308.2004. This answers the point no. (I).

As regards second point also the observation made by us while discussing the point no. (I) above applies *mutates-mutandis*. The energy consumption bill dated 07.10.2004 for a gross amount of Rs. 19,373=15 is covering a period of 368 months from 27.01.1974 till 30.09.2004. This arrear amount was never shown as continuously recoverable by the non-applicant in the previous bills. As a matter of fact this is the very first energy consumption bill issued to the applicant for 9550 units covering a period of more than 30 years. Evidently, the non-applicant's action of issuance of this bills is hit by Section 56 (2) of the Act. Here also, what is permitted by Section 56 (2) is recovery of energy consumption charges for a period of 24 months immediately preceeding the date of this bill. The fixed charges of Rs. 40/- shown in this bill are no doubt recoverable from the applicant since they are meant for a period of two months only from 31.07.2004 to 30.09.2004. Hence, the net consumption charges come to Rs.11,795.98 (-) Rs. 40/- = 11,755=98. These charges are meant for a

period of 368 months. Hence, the per month average consumption comes to Rs.31=94 i.e. Rs.32/- per month. Energy charges for a period of 24 month only are permissible for recovery in terms of Section 56 (2). Hence, an amount of (Rs.32 x 24=) Rs.768/- is only permissible for recovery towards the applicant's energy consumption. By this calculation the applicant gets entitled to a credit of Rs.11,796 (-) Rs. 768/- = Rs. 11,028/-.

Thus, the applicant is entitled to get a net credit of Rs.6,948 towards fixed charges against the applicant's bill dated 13.08.2004 (+) Rs. 11,028/- against the applicant's energy consumption bill dated 07.10.2004 = Rs. 17,976/-. The Superintending Engineer has given a credit of Rs.13,118/- to the applicant vide his letter dated 03.03.2005. Hence, it follows that the applicant is entitled to get an additional credit of Rs.17,976 (-) Rs. 13,118/- = 4,858/-. Thus, it follows that credit given by the Superintending Engineer was not adequate. The applicant therefore deserves to be given additional credit of Rs.4,858/- as stated above. It is a matter of record that the applicant has already paid an amount of Rs.4,285/- during the period from 29.12.2004 to 27.10.2005. Hence, the total amount to be credited in the applicant's account now become to Rs.4,858 (+) Rs.4,285/- = Rs. 9,143/-. This answers the third point.

It is also a matter of record that current bills were issued to the applicant for November, 2004, January, 2005 and September, 2006. The applicant is no doubt liable to pay all these current bill amounts. The applicant's power supply remained disconnected from March, 2005 to August, 2006 over a period of 19 months. Hence, the non-applicant has charged minimum bill amount of Rs. 380/- at the rate of Rs.20/- per



month for 19 months. This amount also is payable by the applicant. Thus, the total of all these amounts payable by the applicant upto the end of month of September, 2006 comes to Rs.1753/-. Thus it follows that the net credit permissible at the end of September, 2006 to the applicant now comes to Rs.9143/- (-) Rs.1753/- = Rs. 7390/-. The non-applicant's contention that the applicant is liable to pay a net amount of Rs. 2098=67 at the end of September, 2006 is thus not proper and correct. We, therefore, direct that the applicant should be given a credit of Rs.7,390/- in his ensuing energy bills.

It is pertinent to note in this case that the present applicant has not taken any steps to effect change of name in service connection no. 422880035594 which is still standing in the name of the applicant's deceased father. We, therefore, direct the applicant to take diligent steps to incorporate his name in this connection by completing the formalities of the non-applicant Company. Here, a point was made by the non-applicant that the applicant will have to pay the prescribed fees as well as the amount of security deposit while effecting change of name. Since this is permissible, the applicant will have to bear the charges. Here, we wish to make it clear that the applicant is already held to be eligible to get a credit of net amount of Rs.7,390/- as stated above. Hence, the non-applicant shall adjust the amount of the prescribed fees as well as the amount of enhanced security deposit from this credit amount which has been allowed by us to the applicant.

This entire process shall be completed by both the parties within a period of one month from the date of this order.

As regards the fourth point, we are of the view that the applicant's power supply was disconnected without giving him any

prior notice to that effect. The non-applicant also did not produce any record to prove that any such prior notice was given to the applicant before his power disconnection. Hence, it follows that the non-applicant's action of disconnection of the applicant's power supply was not legal. Here, we caution the Nodal Officer to ensure hereafter that the requirement laid down in Section 56 (1) of the Electricity Act, 2003 is invariably followed before disconnecting power supply of a consumer.

In the result, we allow the applicant's grievance application and dispose it off in terms of this order.

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