

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

Case No. CGRF(NUZ)/0166/2006

- Applicant : Shri Ramdas M. Somkuwar,
Maskasath Railway Bridge,
Itwari,
Nagpur – 440 004.
- Non-Applicant : MSEDCL represented by the
Nodal Officer-Executive Engineer,
Gandhibag Division, NUZ,
Nagpur.
- 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 30.11.2006)

The present grievance application has been filed on
09.11.2006 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-applicant's erroneous notice dated 16.02.2004 wrongly declaring the applicant as a consumer whose electricity supply was permanently stopped and also in respect of waiving of old arrears shown as outstanding against him. His grievance is also in respect of non-replacement of his faulty meter. He has also demanded compensation of Rs.10,000/- for his mental and physical harassment.

The applicant is a consumer of the non-applicant Company having consumer no. 410012888612, meter no. 9000118317. The non-applicant issued a notice, being notice dated 16.02.2004, to the applicant asking him to pay arrear amount of Rs. 4,682=72 outstanding against him and informing him that his power supply has been disconnected permanently. As a matter of fact, his power supply was never disconnected even temporarily and the applicant is enjoying the supply of electricity even to-day un-interruptedly. The above notice was issued to the applicant under the provisions of Electricity Act, 2003. Upon receipt of this notice, the applicant informed the Assistant Engineer that the notice in question is totally un-lawful and that he was not bound to comply with the contents of the notice. In his application dated 15.03.2004, he has stated that the declaration made in this notice that his power supply has since been permanently disconnected is incorrect. He has referred to his several applications / letters addressed to various offices of the non-applicant Company right from the year 2002 and onwards stating therein that no reply,

whatsoever, was sent to him. He has produced on record copies of all these application viz. his applications dated 27.07.2002, 13.09.2002, 17.09.2002 and 15.03.2004 etc. The non-applicant ultimately informed the applicant by his letter, being letter no. 384 dated 30.09.2006, that there was an arrear amount of Rs. 4682.78 outstanding against him as in December, 2002 and that it was noticed that the applicant's meter was still in use and also that the applicant was not issued his energy bills. The applicant was asked to pay net arrear amount of Rs.13521/- through a provisional energy bill dated 30.09.2006. In that, the past arrear amount pertaining to the period from April, 2002 to December, 2002 which had remained un-paid from by the applicant was deducted from the gross amount of Rs. 18,170/- payable by him. Earlier, as stated above, since the applicant was in arrear of Rs.4682.78, a notice was sent to him on 16.02.2004 under the Electricity Act, 2003 asking him to pay this arrear amount.

The fact is that no energy bill was issued to the applicant after service of notice dated 16.02.2004 wrongly presuming that the applicant's power supply was permanently disconnected. This, according to the non-applicant, had happened in-advertently. The applicant's power supply was never disconnected at any point of time and yet, no energy bills were issued to him. This glaring omission on the part of the non-applicant came to notice some time in August/September, 2006 during house-to-house survey that was carried-out and ultimately, meter reading was recorded on 18.09.2006 when it was noticed that the applicant ought to have been billed for 3846 units from February, 2003 to September, 2006 i.e. over a period of 44 months. It was also found that the commercial usage at the

applicant's premises was not in existence. Finally, a net arrear amount of Rs. 13,521/- came to be billed to the applicant on 30.09.2006.

The applicant is aggrieved by these actions of the non-applicant and hence, the present grievance application.

The applicant's contention is that the arrear amount of Rs. 13,521/- shown as outstanding against him is incorrect and that this bill issued on 30.09.2006 is pertaining to past 44 months. The applicant had earlier complained in May, 2002 that he was being charged for commercial usage for his single phase meter wrongly when he was using electricity for residential purpose. He has termed the non-applicant's notice dated 16.02.2004 as illegal because it contains a statement that his power supply was permanently disconnected. He vehemently stressed that his power supply was never disconnected at any point of time and that he is still enjoying the supply of electricity, that too, without receiving any energy bills till September, 2006. He has addressed several applications right from the year 2002 and onwards to the Officers of MSEB, now MSEDCL. However, no action was taken by the non-applicant and no reply also sent to him. The first reply which he received was on or around 30.09.2006 in which the Assistant Engineer, Binaki S/Dn., MSEDCL, NUZ, Nagpur informed him to pay a net arrear amount of Rs.13,521/-. He has challenged this bill also.

He lastly requested that he may be granted relief as prayed for by him in his prayer clauses of his grievance application dated 09.11.2006.

The non-applicant, on his part, has admitted in his parawise report that the applicant had paid all his energy bills till

February, 2002. However, he did not pay his energy bill amounts from April, 2002 to December, 2002. The un-paid arrear amount for this period was Rs.4682=78. After December, 2002, no energy bills were sent to the applicant on a wrong presumption that the applicant's power supply was permanently disconnected. The applicant was issued a notice on 16.02.2004 asking him to pay this arrear amount. However, this amount was not paid by him. During the campaign of house-to-house verification undertaken in or about August, 2006, it was noticed that the applicant has been enjoying supply of electricity and that energy consumption bills were not issued to him after December, 2002 till August, 2006. His current meter reading was recorded on 18.09.2006 and he was accordingly billed for 3846 units for the period from February, 2003 to September, 2006 i.e. for a period of 44 months and a revised energy bill for arrear amount of Rs. 13,521/- came to be issued on 30.09.2006. It was subsequently found on 21.11.2006 that the applicant's meter was in dis-order and it had stopped recording consumption after September, 2006. He assured that action will be taken to replace the applicant's faulty meter. It is his say that the arrear amount of Rs.4682=78 shown to be outstanding till the end of December, 2002 was proper. He further stated that the revised arrear amount of Rs. 13,521/- payable by the applicant still September, 2006 was correctly worked out.

We have gone through the record of the case as well as all submissions made before us by both the parties. We have also perused all documents produced on record by both the parties.

We find this case to be a classic case of gross negligence on the part of the non-applicant.

It is a matter of record that a notice, being notice dated 16.02.2004, was issued to the applicant declaring therein that the applicant's power supply was permanently disconnected and further asking him to pay the arrear amount of Rs.4682=78. As a matter of fact, the applicant's power supply was never disconnected even temporarily and it is continuing till to-day. Hence, the notice dated 16.02.2004 was clearly improper. What is contemplated in Section 56 (1) of the Electricity Act, 2003 is that a consumer who has failed to pay his energy charges should be served with a clear 15 days' notice asking him to pay the amount failing which his power supply would be disconnected. In the instant case, instead of serving such a prior notice for power disconnection, a wrong notice was issued on 16.02.2004 informing him that his power supply was permanently disconnected. It is also seen that since the non-applicant presumed inadvertently that the applicant's power supply was permanently disconnected on the ground of non-payment of arrear amount of Rs.4682=78, no energy bills were issued to the applicant from 16.02.2004 onwards till September, 2006. This lapse has been admitted by the Nodal Officer in his parawise report.

It is also a matter of record that the arrear amount of Rs.4682=78 outstanding against the applicant was not shown as continuously recoverable from January, 2003 onwards evidently because of non-issue of any energy bills to the applicant after December, 2002 till September, 2006. Thus, the arrear amount in question pertaining to the period from April, 2002 to December, 2002 was not claimed by the non-applicant till September, 2006. As such, the non-applicant's claim of recovery of this amount

becomes time-barred in terms of Section 56 (2) of the Electricity Act, 2003. The non-applicant cannot recover his amount now.

Secondly, as stated by the non-applicant, he has worked out the applicant's arrear amount of his consumption of energy during the period from February, 2003 to September, 2006 for (44 months)= at Rs. 13521/-. This arrear amount is worked out for 3846 units. Here also, the non-applicant cannot claim the arrear amount from the applicant that is older than 24 months in terms of Section 56(2) of the Electricity Act, 2003. The non-applicant is, however, permitted by this Section to recover arrear amount pertaining to only 24 months prior to September, 2006. Clearly the action of the non-applicant in claiming the entire amount for 44 months violated the legal provision of Section 56 (2). The non-applicant, therefore, shall now revise the applicant's energy bill so as to be in tune with the legal provision contained in Section 56 (2) as stated above.

A grievance has been made by the applicant that the TDL charges were wrongly included in his energy bills in the past. According to him, a consumer is not responsible for payment of these charges and that it is the responsibility and liability of the non-applicant Company. The TDL charges were earlier included in consumer's energy bills during the period from January, 2002 upto and inclusive of January, 2004 as per MERC's Tariff orders. No TDL charges have been levied against the applicant in his energy bills after March,2004 onwards. The recovery of the applicant's energy bill of arrear amount of Rs.4682=78 has been held by us to be time-barred in terms of Section 56 (2) of the Electricity Act, 2003. This arrear amount includes amounts of TDL

charges. Hence, it follows that the applicant's grievance in this regard now no longer survives.

We, therefore, quash both the bill amounts of Rs.4682=78 and of Rs.13,521/-.

The non-applicant shall now issue a fresh revised bill to the applicant as stated in this order.

A grievance has been made by the applicant that his meter is out of order and is not recording any consumption. This fact has been admitted by the non-applicant.

The non-applicant shall replace the applicant's faulty meter immediately by a new meter within a period of 15 days which he assured to do.

On the point of compensation as requested for by the applicant, it is the contention of the non-applicant that no loss has been caused to the applicant and as such, his request for compensation may not be considered.

It is a matter of record that the applicant's power supply was never disconnected at any point of time and that he has been enjoying supply of electricity till September, 2006 uninterruptedly.

No loss has been caused to him. It is a different matter that no reply was given to the applicant's applications in the past. However, since the applicant was enjoying supply of electricity un-interruptedly till September / October, 2006 till his meter went out of order, the applicant's request for awarding compensation of Rs.10,000/- is of no consequence. His request for compensation stands rejected.

In the result the applicant's grievance application is partly allowed and it stands disposed off in terms of this order.

The non-applicant shall report compliance of this order to this Forum on or before 31.12.2006.

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.**