

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

Case No. CGRF(NUZ)/007/2008

- Applicant : Shri Ishwar Pundlik Ramteke
House No. 25, Bezenbag,
Kamptee Road,
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Civil Lines 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 14.02.2008)

This grievance application has been filed on
21.01.2008 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 from the year 2002 till January 2005 and subsequent wrong and excessive billing and also in respect of illegal sanction and supply of electricity to one Shri Bhimrao Ramteke in the applicant's premises without the applicant's consent. The applicant has also demanded compensation of Rs.25,000/- towards harassment caused to him.

Before approaching this Forum, the applicant has filed his grievance on the same subject matter before the Internal Grievance Redressal Cell (in short, the Cell) on 04.10.2007 under the said Regulations. However, no remedy was provided by the Cell to his grievance and hence, the present grievance application.

The matter was heard on 06.02.2008.

The applicant's case was presented before this Forum by his nominated representative one Shri Sunil Jacob while the Dy. E.E. Civil Lines Division, NUZ, MSEDCL represented the non-applicant Company.

The applicant's representative contended that an electric meter was installed at the applicant's premises in the year 2002. However, no energy bills were issued by the non-applicant till January 2005. The applicant had approached the officials of the non-applicant Company several times during the intervening period of three years requesting them to issue energy bills but to no purpose. He has also submitted written applications to these officials raising this

compliant of non-receipt of energy bills by him. To shock & surprise of the of the applicant, he received energy bill for Rs.6,332=83 which was meant for a period 38 months for consumption of 2280 units followed by a subsequent energy bill for the billing month of July, 2005 for an amount of Rs.45,405=87 showing consumption of 6936 units. This subsequent bill was meant for a period of two months only. He added that since his energy bills were wrong and excessive, he approached the non-applicant for revising these bills appropriately. The applicant was not in a position to make payment of such a huge energy bill amount and hence, he requested the non-applicant for allowing him to pay this amount in installments. Thereupon, his energy bills were revised and a credit of Rs.15,741/- was given to him in February 2006. According to him, the credit given was very inadequate. The applicant also paid first installment of Rs.19,540/- on 05.05.2006 and later on, the residual amount has also been paid. This, he did, to avoid disconnection of his supply although he was not satisfied with the revision of his energy bills. He added that the fault lies with the non-applicant in issuance a bill for 40 months in one go amounting to Rs.45,405.87/- in July, 2005 and that the applicant would not have been required to pay such a huge amount, may be in installments, had regular bills were issued by the non-applicant regularly from the year 2002 to January 2005. This has caused great hardships to the applicant.

He further stated that the amount of Rs.1500/- paid initially by the applicant towards security deposit is also

not shown in his energy bills till to-day This, according to him, is a serious lapse on the non-applicant's part.

He continued to submit that a new electric connection has been given illegally to one Shri Bhimrao Pundlik Ramteke in the applicant's premises without taking no objection certificate from the applicant. At relevant-time, the applicant had complained to the non-applicant requesting him not to sanction new connection to Shri Bhimrao Ramteke. Vide his application dated 02.01.2007. Despite this position, a new connection was sanctioned to Shri Bhimrao Ramteke. This, according to him, is unjust, improper and illegal.

The applicant's representative has also raised a grievance in respect of his energy bill for the month of August 2007 for 918 units for Rs. 9130/- stating that his average consumption per month is of 300 units and as such his energy bill for August 2007 for 918 units is wrong and excessive. The applicant had doubted that his meter might be defective in view of the meter showing excess consumption of 900 units in the billing month of August 2007 and thereupon requested the non-applicant to check his meter.

He has also objected to charging commercial tariff from February 2007 onwards in respect of his service connection.

The applicant's representative further submitted that his supply was discontinued suddenly in May 2006 without any notice to the applicant and the same was restored after about 15 days or so on making a complaint to the non-applicant with the result that the applicant had to live in

dark for a considerable period due to which he had to suffer great hardships.

He strongly argued that the applicant is entitled to receive compensation towards hardships caused to the applicant as stated above. He has, therefore, demanded compensation of Rs.25000/- for the applicant. Lastly, he prayed that his energy bill issued by the non-applicant for a period of 40 months may be revised appropriately.

The non-applicant has submitted his parawise report dated 05.02.2008 which is on record. A copy of this report was given to the applicant's representative and he was given opportunity to offer his comments on this report.

The non-applicant has submitted that it is a fact that no energy bills were issued to the applicant from March 2002 to July 2005. The applicant's bill for July, 2005 for a period of 40 months for 9216 units was, therefore, revised and accordingly, a credit of Rs.15,741.54 was given to the applicant in his energy for the month of February 2006. He admitted that the security deposit amount is not shown in the applicant's CPL and his bills though he has paid this amount. He has, therefore, stated that a credit of Rs.1500/- would be given to the applicant against security deposit and interest as per rules will be given on this amount with retrospective effect. He added that the applicant's bill was already revised in February 2006 and the consumer was also satisfied. Installments were given to him accordingly as per his request for payment of the bill amount. Accordingly, the applicant paid first installment of Rs.19,547/- on 05.05.2006. He paid the amount of second installment on 17.08.2006 by a cheque.

However, this cheque has bounced and subsequently, he paid amount of Rs.15,540/- on 15.09.2006. The applicant has thus paid all his arrears and from 15.09.2006, he was paying all his bills regularly upto 06.01.2007. Hence, according to him, all the energy bills were issued correctly.

In respect of the applicant's complaint regarding excess billing, he submitted that the concerned Jr. Engineer visited the applicant's premises and checked the applicant's meter by accu-check meter and it was found that the applicant's meter was in order. Vide Jr. Engineer report dated 04.02.2008 a copy of which has been produced on record. The inspecting Jr. Engineer had asked the applicant to get his meter tested in the testing laboratory after making payment of meter testing fee of Rs.100/- if he wants to do that. However, the applicant did not show his willingness to get his meter tested in the testing laboratory. The Jr. Engineer also reported that the applicant is using supply for commercial purposes in his three shops in addition to his residential premises. Hence, commercial tariff has been correctly charged to the applicant from February, 2007.

On the point of sanction of a new connection to one Shri Bhimrao Ramteke, the non-applicant's submission is that Shri Bhimrao Ramteke is the brother of the applicant and new connection was given to him after careful verification of all the requisite documents.

He lastly submitted that there is no substance in the grievance application and hence, the same may be rejected.

The first complaint of the applicant is in respect of non-issuance of energy bills to him from March 2002 to

January 2005. In this respect, the non-applicant has admitted that energy bills were not issued to the applicant for a period of three years till July 2005. Hence, the applicant's grievance in this respect is correct. However, that does not absolve the applicant from making payment of energy charges for units consumed during this period. The record shows that energy bill of Rs.45,405.87 was issued in July 2005 for consumption of 9216 units for a period of 40 months. This bill amount was evidently excessive in as much as no slab benefit was given in this bill that time. The record also shows that slab benefit of Rs. 15,454/- came to be given to the applicant in the billing month of February 2006. This shows that there is a delay of about seven months in giving slab benefit. Perusal of the calculation sheet produced on record by the non-applicant shows that by way of revision, the applicant was charged for 6936 units over a period of 40 months in-place of 9216 units for which he was charged earlier in July, 2005. This shows that a credit of 2280 units has been given to the applicant. Now let-us see whether the charge for 6963 units over a period of 40 months was correct or not. The applicant's CPL shows that his consumption was 194 units, 179 units, 205 units & 294 units in the billing months of March, April, May & June 2006 respectively. This yields average of about 219 units per month. In the subsequent billing months, it is seen that average consumption is around 175 per month. Charging of 6936 units over a period of 40 months in the revised bill of the applicant yields average consumption per month of 174 units. Hence, there is no reason to disbelieve correctness of charging of 6936 units to the applicant over a period of 40 months. Though it is

a fact that there was a delay of 7 months in giving slab benefit to the applicant, this Forum observes that the applicant did consume electricity during this period and that there is nothing wrong on the part of the non-applicant to have charged the applicant for a total of 6936 units over a period of 40 months. The applicant has already got a credit of Rs.15,741.54 for 2280 units in the billing month February 2006. The only relief that is permissible here is that of interest amount that has been charged to the applicant from July, 2005 to February 2006 over the net amount of the bill for 40 months. The applicant's CPL shows that interest amount has been charged on this amount to the applicant till February 2006. This according to us, amounts to miscarriage justice. The non-applicant should therefore, identify this interest amount and give additional credit to the applicant equivalent to amount of this interest. It is made clear that no relief towards interest is admissible to the applicant on the current bill amounts after July, 2005.

The second complaint is about excess billing done to the applicant even beyond the year 2005. It is a matter of record that the applicant's meter was tested on 31.12.2005 by the Jr. Engineer concerned and this report shows that the applicant's meter was running alright. There is no reason to disbelieve this report. The applicant was also entitled to get his meter tested in the testing laboratory by making payment of the prescribed testing charges. However, the applicant did not do this evidently because he was also satisfied that his meter was Ok.

There is a complaint made by the applicant stating that his energy bill for August 2007 for 900 units was wrong and excessive. This complaint is dated 18.09.2007. The applicant's CPL shows that previous reading of the applicant's meter in the energy bill for the month of August 2007 was 12600 units while the current reading was 13518 units. Evidently, the applicant's total consumption comes to 918 units in this month. Entries in the CPL are recorded in natural course of business and there is no reason to disbelieve them unless a strong case to the contrary is made out. The applicant's contention that his average consumption per month has been around 300 units and as such, his consumption of 918 unit shown in the billing month of August 2007 was excessive and wrong cannot be accepted by this Forum for the simple reason that this was the metered consumption of the applicant and there is no reason to disbelieve the same.

The next complaint is about amount of security deposit which is not reflected in the applicant's bills. The non-applicant has admitted this omission and has assured that the security deposit amount of Rs.1500/- will be shown in the applicant's energy bills hereafter and also that the applicant will also get appropriate amount of interest on this security deposit amount. This grievance of the applicant thus gets sorted out in view of the non-applicant's assurance.

The next point is about allegedly illegal sanction of a new electricity connection to one Shri Bhimrao P. Ramteke in the applicant's premises.

In this respect, the record shows that the premises where the applicant is living is originally belonging to one Shri Pudlik Ramteke who has six sons including the present applicant and one Shri Bhimrao Ramteke. A written agreement dated 30.04.1986 signed by the applicant and by his mother and by the applicant's five brothers including Shri Bhimrao Ramteke (copy produced on record by the non-applicant) reveals that the mother of the applicant and her six sons including the present applicant and Shri Bhimrao Ramteke have consented to the fact that each one of the six brothers has equal share in the premises that is recorded in the Nagpur Municipal Corporation's record in the name of Shri Pundlik Ramteke i.e. the father of the present applicant. The property tax payment receipt for the period from 01.04.1984 to 31.03.2007 produced on record by both the parties shows that the original lessee of the premises i.e. house no. 811 in question is Shri Pundlik Ramteke though the possession is of the applicant. It is a matter of record that Shri Bhimrao Ramteke applied to the non-applicant for sanction of a new connection for a room constructed by him in this premises and the non-applicant after verifying all the requisite documents sanctioned new connection to him. Perusal of documents produced on record in the shape of the property tax payment receipt as aforesaid, the mutual agreement dated 30.04.1986 as aforesaid, the proof produced by Shri Bhimrao Ramteke and his declaration go to show that new electricity connection was not issued to him illegally. The applicant's grievance that a new connection was issued to him without the applicant's consent is devoid of any merits particularly in view of the

aforesaid mutual agreement This grievance of the applicant is thus misconceived.

The applicant in his grievance application has demanded compensation of Rs.25,000/- towards hardships caused to the applicant. In that, in the course of oral arguments, the applicant strongly contended that the applicant's supply was disconnected in May 2006 for a substantial period of about 15 days or so with the result that the applicant and his family had to live in dark. This has caused lot of hardships to the applicant. He also stated that the no prior notice as required by the Act was served upon the applicant before disconnecting the supply.

In this respect, the non-applicant's submission is that there is no record available in respect of disconnection of applicant's supply in April 2006 or May 2006.

No concrete proof has been produced on record by the applicant to show that his supply was ever disconnected as alleged. There is also no mention made at all about disconnection of his supply in his written grievance application as well as in his several complaint applications submitted by him before the officials of MSEDCL.

In view of this position, this Forum observes that there is no substance at all in the applicant's grievance that his supply was ever disconnected.

The applicant's past energy bills have also generally been revised correctly. There is also no proof on record to show that there was any ill will of the non-applicant against the applicant. In view of this position, we are unable to

award any compensation to the applicant. His request for awarding compensation of Rs.25,000/- thus, stands, rejected.

A grievance has also been raised about higher tariff rate having been charged and recovered from the applicant. The non-applicant has clarified in this respect that the applicant is using supply for his three shops and hence, commercial tariff is charged to him for his service connection. from February, 2007. In this respect, no satisfactory explanation was forth-coming from the applicant's side. His mere statement that commercial tariff should not have been charged to the applicant is of no use since the Jr. Engineer's report dated 04.02.2008 makes it clear that the applicant is using supply of electricity for usage other than the one for which the same was sanctioned. The report clearly states that the applicant is using the supply for three shops. As such, charging of commercial tariff in-place of residential one to the applicant's premises is quite in tune with the facts and circumstances of the case.

In the light of above, the applicant's grievance application stands disposed off accordingly.

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

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