

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

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**Case No. CGRF(NZ)/105/2017**

Applicant : Smt. Chandrakala Raybhanji Bhaicare,  
Plot No. 122, Roy Building,  
Sugat Nagar,  
Nagpur-14.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(D/F), NUC, MSEDCL, Nagpur

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Applicant represented by : 1) Shri Parveen Pundlikrao Raut,

Non-applicant represented by: 1) Shri S. K. Darwade, Dy.Manager MSEDCL.

2) Shri Dahasahastra, SNDL, Nagpur.

3) Shri Vasim Ahmad, SNDL, Nagpur.

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.

2) Shri N.V.Bansod,  
Member

3) Mrs. V.N.Parihar,  
Member Secretary.

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**ORDER PASSED ON 16.01.2018**

Smt. Chandrakala Raibhanji Bhaicare, the applicant, presented this applicant under the provisions contained in Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006. According to the applicant she was a tenant in a flat in a building known as Mahabodhi apartment. She occupied the flat for eleven months only. However the respondent wrongly assessed and recovered the electricity bill for 36 months. The action on the part of the respondent is illegal and improper.

The applicant approached the IGRC, SNDL Nagpur. The IGRC rejected the application vide order passed in case no. 448/2017 on 14-10-17. Hence the applicant presented this grievance application on 28-11-2017.

A notice was issued to the respondent. The respondent submitted parawise reply. A case was fixed for personal hearing on 16-01-2017.

Neither the applicant nor her representative was present on the day of hearing. Shri Vasim Ahmad, Mr. Dahasahastra, Mr. Darwade were present for the respondent. Presuming that the applicant has nothing to say anything more than what she had already put on record, we decide the case on merit.

In the application and supporting documents the applicant stated that she was occupying the flat bearing no. LIG/2/9 Mahabodhi apartment NIT Complex. One Shri Vikas Sonkar is the owner of the flat. The applicant took the flat on rent for the period of eleven months from 31-05-2016 to 30-04-2017. During this period the son of the applicant was learning in Standard XII.

In Feb.2017 the representatives of the respondent came to the flat. They allege that the the applicant is using the electricity unauthorisedly. They asked for the electricity bill as indicated by the meter. To avoid the hardship to the son the applicant gave two cheques of the Punjab National Bank, Kingsway Nagpur. Those were (1) Cheque no. 621366 amount Rs.31,704/- (2) Cheque no. 622363 amount Rs.47,560/-.

After the lease period was over the applicant vacated the flat.

The applicant also stated that it is not necessary to register the lease agreement which is for a period of eleven months only. So the order based on this presumption passed by the IGRC is illegal.

The applicant was occupying the flat for eleven months only. However the respondents recovered the large and excess amount illegally. The respondent may be directed to refund the excess amount with interest. The respondent may be directed to pay Rs.5.00 Lakhs for mental harassment caused to the applicant.

The respondent replied that the flying squad of the respondent visited the flat occupied by the applicant on 24-08-2017. It was noticed that the applicant was using the electricity but she was not paying any bill. The respondent issued a bill which is for the period of 36 months and it is for 7848 units.

The bill issued by the respondent is as per the meter reading. The lease agreement produced by the applicant is not registered. So it is illegal. The IGRC dismissed the request of the applicant. The order passed by the IGRC is legal & proper. It may be confirmed.

We have perused the record. We have heard the reply of the respondent carefully.

Since beginning the applicant say that she was occupying the flat as a tenant only. The period was from May 2016 to April 2017. She also produced Xerox copy of the lease agreement. The IGRC rejected her contention on the only ground that the document is not registered. According to the applicant it is not necessary to register the document if it is for a period of eleven months

only. Keeping aside the validity of the document one fact is clear from the record that there is no document on record showing that the applicant is owner of the flat. Naturally it will not be proper to impose and recover the electricity bill right from the installation of the meter.

If we refer to the lease document she was residing in the flat for eleven months only. However the respondent assessed and recovered the electricity bill of 36 months. We are of the opinion that this is improper. It is true that the document is not registered. However we think we can very well refer it to conclude about the period of applicant's stay in the flat.

In view of the aforesaid discussion we are of the opinion that the applicant was occupying the flat for the period from 31-05-2016 to 30-04-2017. As such she is bound to pay the electricity bill for this period only. The respondent may recover the remaining amount from the owner of the flat.

We are not inclined to grant any interest or compensation in this case.

So we pass the following order.

### **ORDER**

- (1) Grievance application partly allowed.
- (2) The respondent should calculate the amount payable for this flat for the period from 31-05-2016 to 30-04-2017.
- (3) The respondent should refund the excess amount to the applicant within a period of one month.

Sd/-  
**(Mrs. V. N. Parihar)**  
MEMBER SECRETARY

Sd/-  
**(N. V. Bansod)**  
MEMBER(CPO)

Sd/-  
**(Vishnu S. Bute)**  
CHAIRMAN