

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

Case No. CGRF(NUZ)/06/2007

Applicant : M/s. Gaurav Bricks Manufacturers
57, Indora, Kamptee Road,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division No. II, 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 26.02.2007)

The present grievance application has been filed on
06.02.2007 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 and illegal energy bill dated 27.10.2006 amounting to Rs. 1,93,260/-.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter before the IGRC (in short the Cell) on 05.12.2006. The Cell did not provide any remedy to the applicant's grievance within the prescribed period of two months. Hence, the present grievance application.

The matter was heard by us on 26.02.2007.

The applicant's case was presented before this Forum by his nominated representative one Shri D.D. Dave.

The contention of the applicant's representative is that an unjust, improper and illegal arrear bill of Rs.1,93,260/- dated 27.10.2006 came to be issued to the applicant consequent upon the Flying Squad's inspection dated 14.11.2003. He stressed that the energy bill in question is illegal in terms of Section 56 (2) of the Electricity Act, 2003 in as much as the arrear amount claimed pertains to the period from May, 2003 to March, 2004 i.e. older than the permissible period of 24 months. He added that the bill makes the only mention that the recovery of arrear amount is claimed on the basis of Flying Squad's letter dated 13.02.2004. However, a copy of this letter dated 13.02.2004 was not provided to the applicant. The applicant had earlier requested the non-applicant to withdraw from recovery the un-lawful demand in question. However, the applicant's request was not taken any cognizance of. A copy of the testing report of the

applicant's meter consequent upon the Flying Squad's inspection was also not given to the applicant.

He vehemently argued that the applicant's meter, being meter no. 45294 was inherently defective and there was no evidence of tampering noticed by the Flying Squad.

He lastly urged that the bill in question may be quashed.

The non-applicant in his parawise report dated 23.02.2007 has stated that the applicant's meter was inspected by the Flying Squad on 14.11.2003 and it was found that the meter was running slow by 35%. Subsequently, the meter came to be tested on 16.03.2005 by the meter testing Unit of Khaparkheda and it was found that the meter in question was running slow by 38.7%. The applicant was subsequently billed for 57950 units through arrear bill of Rs.1,93,260/- on 27.10.2006. The applicant's meter was replaced on 16.03.2004 by a new meter. He added that the arrear bill in question pertains to the period from May, 2003 to March, 2004. According to him, nothing wrong has happened in the present case because the applicant had actually consumed power and he was not billed as per actual consumption. He added that error of short billing is rightly rectified subsequently by issuance of the arrear bill in question.

It is an admitted position that the arrear bill in question pertains to the period from May, 2003 to March, 2004. The non-applicant has also admitted this position. It is also not disputed that the arrear amount of Rs.1,93,260/- pertaining to the above period came to be claimed on 27.10.2006 for the first time. This demonstrates that the arrear amount in question was claimed much after expiration of the period of two years from the date when this sum became first due. It is

also a fact evidenced by record that this amount was never shown as continuously recoverable in terms of Section 56 (2) of the Electricity Act, 2003. Recovery for period older than 24 months is not permissible unless it is shown as recoverable continuously in terms of Section 56 (2). Against this background, it is crystal clear that the energy bill in question is violative of Section 56 (2) aforesaid. Hence, the applicant's representative's contention that the non-applicant's claim is time-barred in terms of section 56 (2) is correct and legal.

In view of above position, the bill in question deserves to be quashed, it being time-barred in terms of Section 56 (2).

The disputed bill in question, therefore, stands quashed.

The non-applicant is not entitled to recover this amount in view of Section 56 (2).

The non-applicant shall cancel the bill in question and report compliance to this Forum accordingly on or before 10.03.2007.

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.**