



## BEFORE THE OMBUDSMAN

(Appointed by the Maharashtra Electricity Regulatory Commission under Section 42(6) of the Electricity Act, 2003)

606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051  
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### **REPRESENTATION NO. 32 OF 2005**

#### **In the matter of Power Supply to Agricultural Purpose**

Mr. Natha Bahiru Shinde. .... Appellant  
Suregaon (Gangapur),  
Tal. Newasa, Dist. Ahmednagar.  
Versus  
Assistant Engineer. .... Respondent  
Maharashtra State Electricity Distribution Co.Ltd.,  
Newasa, Dist. Ahmednagar.

Present:

1. Shri W. G. Gorde, Ombudsman
2. Shri S. N. Yadwad, Secretary

On behalf of the Appellant:

1. Shri Natha Bahiru Shinde
2. Shri Prashant S. Bhoge

On behalf of the Respondent:

1. Shri A. B. Kutekar, Ex. Engineer
2. Shri V. A. Kulkarni, Asst. Accountant
3. Shri M.M. Jadhav, Junior Engineer

**Date: November 4, 2005**

Shri Natha Bahiru Shinde of Suregaon (Gangapur), Taluka Newasa, District Ahmednagar is a consumer of the Maharashtra State Electricity Distribution Co. Ltd and is catered through the Executive Engineer, Rural Division of the State Electricity Distribution Company. Shri Shinde (hereinafter referred to as Appellant) has filed the representation on 27<sup>th</sup> September, 2005 against the order of the Consumer Grievance Redressal Forum at Nashik, issued on 1<sup>st</sup> June, 2005. The Appellant has stated his case as under:

2. The Appellant had applied to the M.S.E.D.C.L. (hereinafter called as Respondent) for a connection to 5 H.P. agricultural pump and paid connection charges as required by the Respondent, on 29<sup>th</sup> March, 1995. He had not installed electric motor but noticed from the Respondent's bill that billing has started from 26<sup>th</sup> June, 1997. Further, sometime in the year 1996, the electricity conductors fixed on the poles were stolen by somebody and he had informed this to the local wireman at that time. No action was taken and the conductors were not fixed for next two years or so when the Respondent inspected the site and verified the fact about theft of the conductors. The Appellant further says that without any supply the Respondent issued him the bill for the first time

in the month of October, 1999 for Rs. 5576/- including the arrears for the past period. He protested about this bill and followed up the matter with the authority from time to time. The Respondent, however, kept on sending him the bills, which finally rose to Rs. 30010/- in the month of May, 2002. There has been a delay of 58 days in filing the representation. Looking to the background of the Appellant as a farmer and his lack of awareness about the procedure, etc, the delay is hereby condoned.

3. Being aggrieved with the action of the Respondent, he filed the grievance with the Consumer Grievance Redressal Forum, Nashik seeking redressal in the matter. The Forum heard the matter and issued the order on 1<sup>st</sup> June, 2005. The order says that since the Executive Engineer (Rural), Ahmednagar agreed to waive the amount of arrears towards the electricity bill, the complaint does not survive. Even after waiting for over 3 months, the Appellant says that the Respondent did not take cognizance of the order and as such filed the representation in this office.

4. The Respondent filed its reply to the points raised by the Appellant. It says that it does not agree with the contention of the Appellant that electricity supply was not connected. In fact, the supply was connected in the year June, 1997 and the bills were raised from time to time. Since the Appellant did not pay any bills, the arrears went on increasing. The Respondent agrees that on verification in February, 1999, the officials of the Respondent found the conductors stolen and also observed that there was no pump, starter or motor at the location of the consumer. They advised the Appellant to approach the local office if he needs power. The Appellant did not approach for supply and instead followed up the matter only for waiver of bills. The Respondent also refuted the claim of the Appellant that he suffered any loss due to non-supply of power.

5. The matter was heard on 27.10.05. The Appellant was asked to explain the sequence of events that took place from the year 1995. He stated that he did not install any motor or starter on his well. It was brought to his notice that the Respondent has produced the documents such as test reports for the motor and other equipments to demonstrate that the equipments were in fact installed at site and supply connected. Despite this, he insisted that he did not install any motor on his well but could not clarify as to how the test reports of the motor and the equipments were in possession of the Respondent.

6. The Respondent reiterated during the hearing that supply was indeed connected after obtaining test report as per the service connection report in the month of June, 1997. Bills were raised from time to time but were not paid by the Appellant. He agreed during the hearing that the conductors were stolen sometimes in February, 1999 and no fresh conductors were fixed until recently when the power was reconnected. There was no proper explanation on query as to how the bills were raised after February, 1999 when it has admitted that there were no conductors and no motor or starter, etc were installed on the well. The Respondent agreed that it was their mistake to levy the bill after the year 1999. The Respondent further informed that necessary corrections have been carried out and shown in the bill issued on 25.10.05 giving adjustment credit of Rs. 28084.77 for the bills incorrectly raised in the past.

7. It was brought to the notice of the Respondent as to how the bills are still being issued on the basis of H.P tariff when it should have been on the basis of metered tariff. The Respondent agreed to remove this discrepancy.

8. It is evident that the Appellant had indeed installed the motor and starter, etc in the year 1997 for which the test report were submitted which are with the Respondent on record. The Appellant's say in this behalf, therefore, cannot be accepted that the power was never connected. It is a fact that conductors having been stolen, the Respondent should have not levied any bills after that. It wrongly kept on issuing the bills showing the arrears and interest, etc. All the bills issued after February, 1999 therefore, are without any basis with no power consumed and have to be withdrawn. The credit adjustment of Rs. 28084.77 shown in the recent bill of October, 2005 should be checked in this context and corrected if necessary.

9. It is on record that the supply has now been reconnected on 20<sup>th</sup> September, 2005. The supply now has to be on the metered basis and not on the H.P. basis. The Respondent shall ensure that proper and correct meter is installed on the premises of the consumer and the bills are raised on the basis of consumption recorded by the meter as per the approved tariff.

10. In his representation, the Appellant has prayed for award of compensation of Rs. 2,00,000/- as a notional loss on the ground that had electricity supply been given to his agricultural pump, he would have earned income of Rs. 4,40,000/- from cultivation of sugarcane from 1997. The prayer was not substantiated by any evidence. On the contrary, documents on record lead to a clear conclusion that electricity supply was indeed connected in the year 1997 and it remained connected until the conductors were reported stolen. The Appellant did not pursue this matter during the hearing.

#### **ORDER**

1. Credit adjustment given in the bill dated 25<sup>th</sup> October, 2005 is hereby taken on record. The Respondent shall verify the adjustment of credit as detailed out in paragraph 6 above and make necessary corrections, if any.
2. The Respondent has apparently issued a bill of Rs. 1786.66 (current bill) on the basis of H.P. tariff instead of metered tariff. The same should be withdrawn and a fresh current bill on the basis of meter readings should hereafter be issued.
3. Appellant's prayer for compensation is unsubstantiated and merely on the notional basis and the same is therefore rejected.

Sd/  
(W. G. GORDE)  
Ombudsman

Sd/  
(S. N. YADWAD)  
Secretary