

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

Case No. CGRF(NUZ)/115/2013

Applicant : Smt. Vandana Joshi, "Krishna Kunj",
Khare Town, Dharampeth,
NAGPUR.

Non-applicant : Nodal Officer,
The Executive Engineer,
Congressnagar Division,
MSEDCL, NUC,
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Shri B.A. Wasnik
Member Secretary.

ORDER PASSED ON 11.7.2013.

1. The applicant filed present grievance application before this Forum on 4.7.2013 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Along with main application, the applicant also claimed interim relief under regulation 8.3 of the said regulations and claimed to restore the electricity supply.

3. Applicant's case in brief is that the applicant is a consumer of M. S. Electricity Distribution Co. Ltd., since 1978.

Children of the applicant are residing at Bangalore, Pune etc. and therefore the applicant and her husband are visiting Bangalore, Pune etc. and they are residing with their employed children. During this period of their absence, house of the applicant remains locked. During the absence of the applicant, without any prior intimation meter of the applicant is taken out and brought by M.S.E.D.C.L. and disconnected the supply. For the first time, the applicant enquired about the same in January 2013. At that time, the applicant was directed to take fresh connection by complying all other formalities for new connection. In fact, this process is not necessary. Therefore electricity supply of the applicant may be restored immediately.

4. Non applicant denied the applicant's case by filing reply dated 9.7.2013. It is submitted that since 13th June 2011, the applicant did not pay any bill and therefore connection of the applicant was permanently disconnected in October 2011. As per rules of M.S.E.D.C.L. if the arrears are paid within six months, same meter can be installed but if period of more than six months is lapsed, it is necessary for the consumer to take new connection. Accordingly applicant was directed to apply for fresh connection, to file test report and to comply other formalities. Thereafter new connection will be provided.

5. Forum heard arguments of both the sides and perused the record.

6. We have carefully perused the CPL of the applicant. CPL shows that the applicant made last payment on 13.6.2011 and thereafter did not pay the charges due. Therefore in October 2011, there was permanent disconnection of electricity connection of the applicant. In the grievance application itself, the applicant has clearly mentioned that for the first time, the applicant enquired about permanent disconnection in January 2013. Therefore it is clear that the applicant and her husband are not residing here. This fact is also admitted in the grievance application that the applicant and her husband used to reside with their employed children at Bangalore and Pune and during their absence house remained locked at Nagpur. Therefore it is clear that since before 13.6.2011 the applicant and her husband was not residing here and did not pay electricity bills. Therefore their electricity connection was permanently disconnected in October 2011. As they were not residing here and house was locked, it is also not practically possible for M.S.E.D.C.L. to serve notice u/s 56 of Electricity Act 2003, because house was locked. Record shows that there was permanent disconnection in October 2011 but since then till January 2013 the applicant did not know this fact. As per grievance application, for the first time the applicant enquired about disconnection in June 2013. Therefore it is clear that after the disconnection, the applicant returned to his house after about one year and 3 months as he was absentee land lord. In such circumstances, during their absence no notice u/s 56 of Electricity Act 2003 can be served on them. As the amount was due, M.S.E.D.C.L. has legally disconnected the supply in October 2011.

6. It is an admitted fact that electricity supply is disconnected in October 2011. According to MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and determination of compensation) Regulations 2005, specific provision is laid down under regulation 7.2 which reads as under : -

“7.2 Reconnection

Where the Distribution Licensee has disconnected supply to a consumer for a period of not more than six months, then if such consumer pays all amounts due and payable to the satisfaction of the Distribution Licensee or, in case of a dispute, pays such amounts under protest, the Distribution Licensee shall reconnect supply within –

- (i) twenty-four hours from payment of dues by the consumer in towns and cities; and
- (ii) within two days after the day upon which payment of dues has been made by the consumer in rural areas.

Provided that where the period of disconnection exceeds six months, an application for reconnection of supply shall, after either payment of amounts due or upon settlement of dispute, be treated as a fresh application for supply of electricity under the provisions of the Act.

7. Therefore according to above discussed proviso, it is specifically mentioned that where the period of disconnection exceeds six months, the application for reconnection of supply shall after either payment of amount due or upon settlement of dispute,

be treated as fresh application for supply of electricity under the provisions of the Act. Therefore it is necessary for the applicant to file an application for new connection. Therefore the applicant has to apply afresh for fresh connection as per rules and regulations and after complying of necessary formalities, M.S.E.D.C.L. shall provide new connection to the applicant. Without filing fresh application for new connection, electricity supply can not be restored which is permanently disconnected in October 2011 Hence Forum proceeds to pass following order : -

ORDER

- 1) Grievance application is partly allowed.
- 2) Claim for interim relief under regulation 8.3 of the said regulations is hereby dismissed.
- 3) Applicant is at liberty to file fresh application for reconnection by following rules and regulations as per prescribed procedure and on such compliance, non applicant shall give fresh electricity connection to the applicant.
- 4) Non applicant to comply within 30 days from the date of this order.

Sd/-
(Shri B.A. Wasnik)
MEMBER
SECRETARY

Sd/-
(Shri Shivajirao S.Patil)
CHAIRMAN