

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

Case No. CGRF(NZ)/27/2017

Applicant : Smt. Sangita G. Chandrikapure,
Plot No.92, K.G.N.Society,
Suwarn Nagar, Nr.Gurunanak College,
Nagpur-440026.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(DF), NUC,MSEDCL, Nagpur.

Applicant :- In person.

Respondent by 1) Shri Vairagade, EE, Nodal Office
2) Dr.Arun Sharma, Manager (Comml.) of SNDL
3) Shri Dahasahastra, SNDL Nagpur.

Quorum Present : 1) Shri Shivajirao S.Patil
CHAIRMAN

2) Mrs.V.N.Parihar
Member/Secretary

3) Shri N.V.Bansod,
Member

ORDER PASSED ON 22.03.2017.

1. The applicant filed present grievance application before this Forum on 03.03.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that she is consumer of MSEDCL since 2010. Applicant is doing work of LIC Agent therefore, she has to go to other places. In 2012 one Shri Manoj Jawaharlal Shahu attempted to take forcible possession of her Plot

No.92 therefore, he made forged signature of the applicant and on that basis there was P.D. of her connection. She lodged FIR against him on 30.03.2012. Officer of MSEDCL did not enquire her nor issue any disconnection notice and disconnected her supply. Therefore, there was physical and mental torture to the applicant.

Again in the year 2017 same mischief was repeated. Her bill for Jan.2017 is only for Rs.229.77 and last date of payment is 01.03.2017. But Officers of SNDL disconnected the supply without any notice on 23.02.2017 i.e. before last date of the payment. Her Security Deposit of Rs.1000/- is already with M/s SNDL. She enquired to officers of SNDL why her supply is disconnected and officers of SNDL told that supply is disconnected due to non-payment of the bill. She applied to SNDL but her application was not accepted and acknowledgement of receiving the application was not given to her. On the contrary she was directed to bring ownership papers of Plot No.92. She went to the house and brought ownership papers in the office of SNDL on Kamptee Road, Nagpur but she was told that officer is not present, this is lunch time and she should come later. On 24.02.2017 she visited the office of SNDL at 3 times then she was directed to go to the main office of S.K. Tower, SNDL, Nagpur. She went to the main office and even then her application was not accepted. She was therefore directed to go in the office of SNDL at Kamptee Road on 25.02.2017 and again on 27.02.2017 she was sent to main office of S.K.Tower. Thereafter she was directed to approach IGRC.

She filed an application to IGRC. As per order of IGRC dt. 27.02.2016 in case No.1041of 2017 SNDL was directed to reconnect electric supply with same meter immediately. Even then her connection was not restored immediately. Supply was restored on 03.03.2017 at 7.00 p.m. She claimed compensation according to MERC's

SOP Regulation for physical and mental harassment, illegal disconnection and illegal activities of employees and officers of SNDL.

3. Non applicant, denied applicant's case by filing reply dated 08.03.2017. It is submitted that many a time there was a lock to the house. Applicant paid last bill 26.10.2015. Notice u/s 56 of Electricity Act,2003 dt. 5.3.2017 was issued and supply was disconnected on 23.02.2017. Grievance application deserves to be dismissed.

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

5. We have carefully perused entire detail grievance application of the applicant. Record shows that there is Civil dispute regarding Plot No.94 in between applicant and her opponent Shri Manoj Jawaharlal Shahu. Shri M.J.Shahu is trying to adopt various tactics with intention to dispose the applicant. Record shows that attitude of officers of SNDL is not proper. On one pretext or the other, officers of SNDL were harassing the applicant. They even then did not accept written application of the applicant and acknowledgement of the application is not given to her. She was unnecessarily directed to go from one office to another office. It is an admitted fact that she is consumer of non-applicant and not Mr.Manoj Shahu.

6. It is specifically mentioned in reply of SNDL that amount of Rs.173.49 was only due and therefore, supply was disconnected. Needless to say that lakhs of Rs. are in arrears in Nagpur City against many consumers, even then officers of SNDL are not taking coercive action of disconnection against them. It is a great surprise that there was a disconnection of this helpless applicant lady for non-payment of Rs.173.49 Paise that too without issuing any statutory notice. It is nothing but intentionally harassment of the applicant lady by SNDL.

7. There is no evidence on record to show that notice u/s 56 of Electricity

Act,2003 was duly served against the applicant. Acknowledgement of the notice is not produced on record. Therefore, we hold that disconnection is without service of statutory notice and therefore, disconnection is illegal.

8.. It is surprised that while disconnecting the supply, disconnection was not from the pole but officers of SNDL took out the meter from her house illegally with a sole desire that she will not be able to reconnect the supply earlier. It is common sense that for disconnection, there is no necessity to remove the meter from the house but even then this illegal act is committed by SNDL.

9. Even if amount of Rs.174/- was due and outstanding, last date for payment was 01.03.2017 but there was disconnection before the last date of payment i.e. on 22.02.2017. It shows clear cut mischief. Furthermore Security Deposit of Rs.1000/- of the applicant is lying with the SNDL from which amount of Rs.173.49 could have been deducted.

10. Furthermore that IGRC directed to reconnect electric supply with same meter immediately as per order dt. 27.02.2017 in case No.104/2017 even then supply was not restored immediately and there was contempt of order of IGRC. Again applicant has to file many applications and there after supply was restored on 03.03.2017. During the course of hearing applicant had shown photograph of recent meter which shows that this meter is not properly installed even after the order of IGRC. Forum brought this fact to the notice of Mr.Arun Sharma, Manager (Comml.) of SNDL and Mr. Dahasahastra of SNDL and told them to look into the matter personally as to why meter is not installed properly. They also admit orally that this meter is not properly installed.

11. All these facts are sufficient to come to the conclusion that officers and officials of SNDL had unnecessarily given physical, mental and financial harassment to the applicant. There was illegal disconnection of supply and this lady has to remain in darkness for the period 22.02.2017 till 31.03.2017. Therefore in our opinion it is a fit case to take hard steps against illegal activities of SNDL so that in future they will not dare to harass any other consumer in this manner.

12. Considering the facts and circumstances of the case, in our opinion, applicant is entitled for compensation for illegal disconnection and late restoration of supply for the period 22.02.2017 to 03.03.2017 at 7.00 p.m. according to MERC's SOP Regulations Appendix "A",2(i) @ Rs.50/- per hour. Furthermore applicant has to remain in the darkness for the period 22.02.2017 to 03.03.2017 and there was physical and mental torture to her and therefore she is entitled for compensation of Rs.50,000/- according to Regulation 8(2)(c)(d)(e) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

15. Hence we proceed to pass the following order.

ORDER

1. Grievance application is allowed.
2. Non-applicant SNDL is directed to pay compensation to the applicant @ Rs.50/- per hour since date of disconnection i.e. 22.02.2017 to 03.03.2017 at 7.00 p.m. for illegal disconnection and late restoration of supply according to Appendix "A",2(i) of MERC's SOP Regulation within 30 days from the date of order.

3. Non-applicant SNDL is directed to pay compensation Rs. 50,000/- (Rs. Fifty thousand) to the applicant for physical, mental and economical torture according to Regulation 8(2)(d)(e) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 within 30 days from the date of order.
4. Business Manager of SNDL is directed to conduct departmental enquiry of this illegal activities against concerned responsible officers of SNDL and to impose punishment in accordance with Rules & Regulations and may recover amount of compensation from his responsible employees & Officers.
5. Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN