

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

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**Case No. CGRF(NUZ)/36/2013**

Applicant : Smt. Vandana R. Bondre,  
Starkey Town Building No. 1,  
Qtr. No. 18, Mangalwari Bazar,  
Sadar,  
NAGPUR.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
MSEDCL,  
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil  
Chairman,  
  
2) Adv. Subhash Jichkar,  
Member,  
  
3) Smt. Kavita K. Gharat  
Member Secretary.

**ORDER PASSED ON 29.4.2013.**

1. The applicant filed present grievance application before this Forum on 13.3.2013 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 grievance application the applicant also claimed interim relief under regulation 8.3 of the said regulations.

3. The applicant's case in brief is that she received excessive bill of January 2012. For that purpose she filed grievance application No. 17/13 before this Forum and it was pending for judgement. Before the decision of that case her supply is disconnected on 13.3.2013 at 9.50 A.M. without any statutory notice and therefore supply be restored. She also claimed compensation for physical and mental harassment.

4. Non applicant SPANCO denied applicant's case by filing reply Dt. 20.3.2013. It is submitted that meter of the applicant was tested as per order of the Forum Dt. 22.2.2013 in grievance application No. 17/13 and meter is found O.K. Applicant did not pay bill of December 2012. Therefore notice under section 56 (1) of Electricity Act 2003 was issued on 15.1.2013, but applicant refused to take the same. Therefore supply was disconnected on 13.3.2013. Application be dismissed.

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

6. We have carefully perused grievance application No. 17/13. It is decided on 20.3.2013 by this Forum and grievance application was dismissed. During the pendency of that matter supply of the applicant was disconnected admittedly on 13.3.2013.

7. Let us see whether there was statutory notice u/s 56 of Electricity Act? Non applicant produced copy of notice Dt. 15.1.2013. There is no signature of the applicant about receipt of this notice. Notice is not sent either by R.P.A.D. or even by UPC. It appears that one Shri Manish Gupta who is representative of S.N.D.L. wrote in his hand writing on the bottom of the notice "Refused to take notice", under signature of said Manish Gupta with Dt. 15.1.2013. It is very easy to write down such type of refusal endorsement just to create false evidence of refusal of notice. In such case, it is the duty of non applicant at least to issue notice by R.P.A.D. and to produce postal receipt on record at least to show dispatch of the notice. Shri Manish Gupta is employee and representative of SPANCO therefore such type of evidence can be created.

8. Date of alleged notice is 15.1.2013 and date of disconnection is 13.3.2013. Therefore after issuance of alleged notice, meanwhile there was period of 2 months in which M/s. SPANCO had not taken any step of disconnection. Therefore during this 2 months intervening period SPANCO was at liberty

to issue notice by U.P.C. Therefore in our opinion there was no valid service of notice and without issuing any notice supply of the applicant lady was illegally disconnected on 13.3.2013.

9. The applicant filed pursis on record that her supply was restored on 13.3.2013 at 8.10 P.M. Therefore during whole day supply was disconnected illegally without any statutory notice.

10. Applicant is a lady serving in Nagpur city and residing in Qtr. No. 18 of Starkey Town Building No.1. Due to this illegal disconnection definitely there was physical and mental torture to the applicant. By remaining absent in her office or after application for casual leave this helpless lady was wandering here and there, she has to approach this Forum. When non applicant realized these aspects, they reconnected supply in the evening. In our opinion, it is unnecessary physical and mental harassment to the applicant and for that purpose it is justified to grant compensation of Rs. 1000/- from M/s. SPANCO.

11. Hence Forum proceeds to pass the following order:-

## ORDER

- 1) Grievance application is partly allowed.
- 2) SPANCO is hereby directed to pay compensation of Rs. 1000/- to the applicant for physical and mental torture due to illegal disconnection of electrical supply of the applicant without statutory notice u/s 56 of the Electricity Act 2003.
- 3) Non applicant is hereby directed to comply within 30 days from the date of this order.

Sd/-  
(Smt.K.K.Gharat)  
MEMBER  
SECRETARY

Sd/-  
(Adv.Subhash Jichkar)  
MEMBER

Sd/-  
(ShriShivajirao S.Patil)  
CHAIRMAN