

**Before Maharashtra State Electricity Distribution Co. Limited
Consumer Grievances Redressal Forum, Pune Zone,
925, Kasabapeth Building, IInd flr. Pune-11**

Case No. 24/2012

Date: 31/10/2012

In the matter of

Shri.Hemant Moreshwar Patil,
Wardhaman Town ship,
S.No.44A Sasane nagar,
Hadapsar,Pune

- Complainant

V/S

M.S.E.D.C.L. Bundgarden Division

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.B.M.Ivare
Member	Shri.Suryakant Pathak

- 1) The complainant Shri. Hemant Moreshwar Patil is consumer of MSEDCL vide No. 170011818601 having connected load 3 KW since 31th Jan-2012. The complainant is owner of shop No.7, D-3, situated at Wardhaman Town ship, S.No.44A Sasane nagar, Hadapsar, Pune-28. He is running a business of selling Ice-cream. The business is carried on by his daughter Mrs. Dipali Shushant Shukla as business partner.
- 2) Complainant alleged that during the period between 31st May 2012 and 2nd June-2012, Mrs. Dipali was at Mumbai and during this period the employees of MSEDCL serving at Ganga-Palace office of utility at Pune without any notice of disconnection, and though complainant regularly paid the bills, however the electricity supply was illegally disconnected by MSEDCL.

- 3) Mrs. Dapali contacted Shri. Meman employee of MSEDCL who admitted that supply was disconnected and deputed two persons for reconnecting the electricity supply. Mr. Bhosale who was one of the two persons, reconnected the supply in presence of Mrs. Deepali Shukla on 03/06/2012
- 4) According to complainant due to illegal disconnection of electricity supply the Ice-cream was totally damaged and thereby he sustained loss to the amount of Rs.83,000/- (Eighty three thousand rupees)
- 5) Complainant further claimed that M.S.E.D.C.L. disconnected electricity supply on 28/05/2012, even though he has paid total bills of electricity and without any notice as per law.
- 6) Complainant after closing of the hearing of a case on 26/09/2012 and the matter was adjourned for order submitted application on 01/10/2012, stating that due to disconnecting of electricity connection on 28/05/2012, the air conditioner machine put off due to which the ice-cream was totally damaged, which resulted loss of Rs.8,000/0 (Eight thousand rupees only).
- 7) Complainant claimed Rs.9730/- (Rupees nine thousand seven hundred and thirty) the amount deposited towards security deposit.
- 8) MSEDCL submitted say and resisted the contents of the complaint. Complainant is not consumer of MSEDCL as consumer is M/s. Subhash builders. It is submitted that complainant made grievance in the month of April-2012, which was considered by MSEDCL and complainant was permitted to pay bill by installments. The employees serving at Ganga village section of MSEDCL visited the spot and after verification corrected bill came to be issued to complainant which was accordingly paid on time.

- 9) According to MSEDCL the effect of the payment of bill was not given in the same month which resulted in appearing of the name of complainant in the list of defaulter, and consequently the disconnection of electricity supply was done on 28/05/2012. It is stated that, the electricity supply was connected immediately on the same day when the receipt of payment was shown by the complainant.
- 10) MSEDCL specifically denied the allegation that electricity supply of complainant was disconnected during 31st May and 2nd June-2012. It is averred that after receiving oral complainant on 03/06/2012 Mr. Bhosale was deputed for verification, who found that there was trip of MCCB and immediately supply was started after switch on made by said Mr. Bhosale. The utility did not disconnect after 28/05/2012 and therefore no question of any liability for damage of ice and payment of alleged compensation.
- 11) In reply to the application filed by complainant on 01/10/2012 MSEDCL submitted that on 28/05/2012 , the electricity supply of complainant was disconnected due to mistake and was immediately reconnected within one hour after production of the receipt of payment. The Ice - cream was in deep freezer and the same can not be damaged within a time of one hour.
- 12) On rival pleading, following issues arise for our determination?
- 13) I) Whether the complainant proves that he sustained loss due to electricity disconnection made during the period between 31 May-2012 to 02/06/2012 and on 28 /05/2012?
- II) Whether the complainant is entitle for security deposit as claimed in the application dt.01/10/2012?
- III) Whether the complainant is entitle for compensation for disconnection of electricity on 28/05/2012 . If yes, what is the quantum of compensation?

REASONS

Issue No.1

- 14) To prove their respective contents, Mrs. Deepali Shukla argued for complainant and deputy Ex. Engr. argued for MSEDCL. The complainant produced on record agreement registered on 08/11/2011 in favour of complainant, Shop Act license dt.20/02/2012 in the name of complainant, eight photographs, indicating the various parts of ice-cream damaged in the shop.
- 15) MSEDCL produced on record list of persons whose electricity supply was disconnected during 28/05/2012 to 02/06/2012. According to MSEDCL only on 28/05/2012 disconnection was made and immediately on the same day it was restored. MSEDCL produced C.P.L. and statement of line staff Shri.Bhosale of MSEDCL, stating that there was trip of MCCB of the consumers supply.
- 16) According to complainant MSEDCL disconnected electricity supply during 31/05/2012 to 02/06/2012 and this fact is admitted by MSEDCL. It is submitted that electricity supply was disconnected by MSEDCL whereas MSEDCL submitted that electricity supply was never disconnected by any of the employees of utility. It is difficult to determine this without details examination of witnesses on the touchstone of cross examination.
- 17) According to complainant he sustained loss to the amount of Rs. 83,000/- due to illegal disconnection during 31/05/2012 to 02/06/2012 and Rs.8,000/- due to disconnection on 28/05/2012 . MSEDCL denied the fact of disconnection during 31/05/2012 to 02/06/2012 and consequent losses alleged by complainant. As regards loss due to disconnection as 28/05/2012, MSEDCL submitted no loss was at all

caused as electricity supply was connected within one hour from disconnection.

- 18) In order to decide as to whether electricity supply was disconnected or not and to decide amount of compensation detail oral and documentary evidence is required. The issue is complicated in nature such that the representation requires consideration of elaborate documentary and oral evidence is required, which is beyond the scope of this Forum as per point 17.10 (d) of Maharashtra Electricity Regulatory Commission(Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations 2006. The complainant is at liberty to move before proper court if he desires. Hence we answer Issue No. I in the negative.

Issue No. II

- 19) Complainant submitted application dt.01/10/2012 and claimed refund of the security deposit of Rs. 9730. (Rs. Nine thousand seven hundred and thirty only), which is collected due to wrong billing. MSEDCL in reply to the said application has not either admitted or denied the claim of complainant. As per clause 11.12 of MERC (Electricity supply code and other conditions of supply) Regulation 2005 complainant is entitled for interest on cash security deposit from the date of deposit till the date of refund by MSEDCL. Hence, complainant is entitled for the relief.

Issue No. III

Admittedly MSEDCL disconnected electricity supply of complainant on 28/05/2012 without any notice of disconnection as per the Sect. 56 (1) of the Electricity Act 2003. Admittedly electricity supply was reconnected on the same day. It was expected on the part of MSEDCL to verify the list of actual defaulters, before disconnecting the electricity supply of complainant. The MSEDCL failed to issue mandatory

notice, before disconnection of electricity supply. The complainant is entitle for compensation of Rs.250/- for disconnecting the supply of electricity without notice.

We are of the opinion, that considering the grievance of complainant it would be proper to direct the MSEDCL to be careful before making disconnection, particularly who are running business of ice-cream for which electricity supply is of utmost necessity . It is necessary that MSEDCL to inquire as to whether, any one was responsible to disconnect supply without notice. This direction becomes necessary as complainant made serious allegations of harassment of consumer.

ORDER

- 1) MSEDCL is directed to refund the additional security deposit to complainant with interest applicable as per the reserve Bank of India guidelines.
- 2) MSEDCL is directed to pay compensation of Rs.250/- (Rupees two hundred and fifty only) for disconnection of electricity supply on 28/05/2012 without notice under section 56 (1) of Electricity Act-2003. The said amount to be adjusted in future bill.
- 3) The complainant is at liberty to move proper forum for redressal of the grievance, if he desires.
- 4) Both parties to bear their own cost.
- 5) The compliances is to be submitted within one month i.e. on or before 30/11/2012 to this forum.

B.M.Ivare,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 31/10/2012

