

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

Case No. 02/2012

Date: 19/03/2012

**In the matter of
Suman Shashikant Janrao**

- Complainant

V/S

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

- Opponent

Quorum

Chair Person	Mr. S.D.Madake
Member/Secretary	Mr. L.G.Sagajkar
Member	Mr. Suryakant Pathak

- 1) Complainant is Govt. servant and resides at Govt quarter since 1996 at Govt.Colony, 15 queens Garden Pune-411001. The electricity connection is in the name of previous occupant Mrs. Archana Dilip Salokhe. The complaint of the consumer is that respondent failed to issue bills during the period between March-2005 to Feb-2011 she used to inquire orally in respect of the bill however no cognizance was taken during all these years.
- 2) The other grievance is that in Dec-2010, the opponent disconnected the supply of electricity without issuing notice in absence of complainant without showing the meter reading to her.

The main grievance of the complainant is that, all the arrears were deposited immediately on the next day to the amount of Rs. 10,440/- and requested for resumption of supply but with no positive response. The complainant submitted that in Feb-2011. Mr. Roy issued a bill of 11602 units for Rs.47,960/- in hand written form. The supply commenced in April-2011 after payment of Rs.25,000/- i.e. 50% of the amount of arrears.

- 3) The complainant made grievance that she gave letter to Ex. Engr. on 03/08/2011 but no cognizance was taken by him. The opponent disconnected electricity supply on 31/10/2011 without notice. She was asked to pay the bill.
- 4) She made a grievance before I.G.R.C. on 03/11/2011. The Internal Grievance Redressal Cell decided the complaint and directed that complainant be permitted to pay arrears of bill by installments as per circular. It is further directed that, inquiry be made as to the non –issuance of bills for a period of 69 months. It was observed that complainant was under an obligation to inform to concerned persons as regards the non-issuance of bill for all these years.
- 5) The representative of MSEDCL submitted reply to complaint on 06/02/2012. The substance of the reply is that complainant was not regular in payment of bills. It is stated that during 1996 to July-2002 consumer was regularly paying the bills. Consumer failed to pay for three years upto March-2005. The respondent disconnected supply as arrears of Rs.20,202/- were due by consumer. As she paid Rs.10,000/- as part payment, connection

was reconnected, but reconnection report is not effected. It is stated that consumer failed to pay remaining arrears. It is for the first time on 06/12/2010, when junior Engineer verified the connection during inspection it was noticed that the case is of unbilled consumer having reading 15576. After re verification bill of Rs.47,960/- was issued to consumer, she paid Rs.10,440/- on 11/12/2010.

- 6) The opponent submitted that consumer failed to pay arrears though demands were made from time to time. Due to failure on the part of consumer to pay the bill, on 25/04/2011 supply was temporarily disconnected. The consumer submitted to opponent that an amount of Rs.25,000/- be accepted as part payment. On his payment on 26/04/2011 new static meter was installed on 27/04/2011. Opponent admitted that connection was again disconnected on 29/10/11 due to arrears of bills.
- 7) The representative of consumer Mr. Janrao who is electrical engineer argued the case at length. The representatives of the opponent also argued the case at length. Both parties also discussed as to the elements of settlement. In pursuance of the possibility of settlement the representative of consumer, filed on record letter dated 23/02/2012, based on the compromise talk during hearing of the case on 22/02/2012. As the settlement was not arrived at between the parties, we have to decide on the basis of documents and pleadings, in the light of oral submission.
- 8) The admitted position is that, consumer is residing in Govt. Quarter at 15 queens garden Pune. The electricity connection

is in the name of previous occupant Mrs. Archana Salokhe. There is no dispute as to electricity charges as well as payment upto 2002. It appears that consumer has not paid bills during 2002 to 2005 and supply was disconnected in March-2005 consumer paid part payment so supply was resumed. Admittedly bills were not issued during March-2005 to Feb-2011. Admittedly consumer did not file written submission in respect of the issuance of the bill. The opponent's version is that after payment made by consumer as part payment electricity reconnection report was not effected. This failure on the part of opponent resulted into non issuance of bills for 69 months. Neither consumer nor opponent has taken cognizance as to non receipt of bills.

- 9) The consumer submits that electricity supply was disconnected in Dec-2010 and was resumed in April-2011. We have perused the documents as well as letter issued by J.E. to Ex. Engr. dt. 13/12/2011 stating that disconnection was made on April-2011. The consumer has not produced on record any written correspondence regarding disconnection in Dec-2010. Consumer submitted that he met various authorities of opponent however, has not produced any document in support of the same. Therefore in view of rival contention, it is necessary to find out that when electricity connection was disconnected on the basis of documents and say filed by consumer and opponent. It appears that disconnection was made on 25/04/2011. The consumer paid bill on 26/04/2011 and immediately opponent commenced the supply on 27/04/2011 by installing the static meter.

- 10) The opponent admitted that on 29/10/2011 electricity supply was disconnected. The record shows that opponent failed to issue notice of 15 days prior to disconnection. This is failure on the part opponent, as per section 56 of the Elect. Act. We also observe that opponent failed to issue notice before disconnection on 25/04/2011. We also observe that opponent failed to issue electricity bills for 69 months due to the negligence. We also observe that consumer also was negligent when she did not make any written complaint regarding the non issuance of the bill for all these years though there was electricity supply. Both sides fairly conceded their inaction with respect to their obligations. On perusal of C.P.L. and the record it is evident that consumer is also not regular in payment of electricity bills since last decade i.e. 2002. The record shows that after payment on 26/04/99 she paid bill on 04/07/2002 and thereafter on 12/03/3005 after disconnection of supply.
- 11) On critical appreciation of all the documents facts and circumstances of the case, we are of the opinion that opponent failed in maintaining standard of performance on failure to issue bills to consumer regularly and disconnecting electricity supply without mandatory notice as per section 56 of the Act
- 12) As per section 56(2), No sum due from any consumer under this section shall be recoverable after a period of two years from the date when such sum became first due. In this case the bill of 69 months was issued the consumer dt.05/01/2011 for Rs.47,960.65 due date start from the service of bill. The complainant accepted the bill and paid part payment of bill of Rs.25,000/- on

dt.26/04/2011, after disconnection of supply on dt. 25/04/2011. The opponent can recover the bill upto two years from 05/01/2011 i.e. issue of bill.

- 13)** In the result we hold that opponent failed to issue bills and also disconnected electric supply without notice. Consumer is entitled for compensation for this efficiency. We award total compensation of Rs. 5,000/- which is just and proper. Hence order.

ORDER

- 1) MSEDCL is directed to pay compensation of Rs. 5,000/- for non issuance of bill and disconnection of supply without notice.
- 2) The amount of compensation may be adjusted in future bills.
- 3) No order as to cost.

Mr.L.G.Sagajkar
Member/Secretary

Mr.Suryakant Pathak
Member

Mr. S.D.Madake
Chair Person

Date: 19/03/2012

