



**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.35/2014**

**Date of Grievance : 20.11.2014**

**Date of Order : 16.03.2015**

In the matter of illegal disconnection of supply.

Mr.Madhukar Marotirao Pandit ,  
C/o.Abhijit Gawade,  
Kubera Sankul, Sidhi Bldg.,  
Flat No.601, Gadital, Hadapsar,  
Pune-411028.

**Complainant**

(Herein after referred to as Consumer)

**Versus**

Executive Engineer,  
M.S.E.D.C.L.,  
Bundgarden Division,  
Pune.

**Respondent**

(Herein after referred to as Licensee)

**Quorum**

**Chair person  
Member Secretary  
Member**

**Mr. S.N.Shelke  
Mr. Y. M.Kamble  
Mr.S.S.Pathak**

**Appearance**

**For Consumer**

**Mr.Madhukar M. Pandit**

**For Respondent**

**Mr.P.H.Shirke, Ex.Engineer  
Bundgarden Division.  
Mr.A.K.Gedam,  
Addl.Ex.Engr.Hadapsar-I,S/dn.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 16.09.2014 passed by IGRC Rastapeth Urban Circle, Pune thereby rejecting the grievance

application, the consumer above named files the present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Bundgarden Division, Pune vide letter no. EE/CGRF/PZ/Notice/35 of 2014/217 dtd.21.11.2014. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 03.01.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
  - i) Energy connection bearing no.170560015189 is standing in the name of Abhijeet Mohan Gawade, S.No.226, Kubera Sankul, Flat No.103, Wing Sidhhi, Gadital, Pune-411028.
  - ii) The said consumer Mr.Abhijeet Mohan Gawade let out the premises i.e. flat no.103 to Madhukar Matrutirao Pandit (Present consumer) for the period 1.11.2013 to 31.10.2015 (for 24 months) on leave & License basis vide agreement dated 28.10.2013.
  - iii) Licensee issued notice under Section 56(1) of Electricity Act-2003 dated 15.1.2014 for recovery of bill of Rs.9071.67 for the month of Dec.2013 & in the said notice last date for payment was mentioned as 6.01.2014 & Licensee had directed the consumer to deposit the said bill amount within 15 days else, the supply will be disconnected and thereafter for restoration of supply he will have to pay restoration charges as per rules.
  - iv) The Licensee disconnected the supply of the said consumer on 29.01.2014.
  - v) On depositing of bill amount, the licensee reconnected the supply on the same day without taking restoration charges.
  - vi) The consumer initially made his grievance about illegal disconnection of supply before IGRC on 22.07.2014.
  - vii) The IGRC, RPUC, rejected the grievance vide impugned order dated 16.09.2014.
- 5) The consumer namely Mr.M.M.Pandit, submitted that on 29.01.2014 though he had informed to the licensee from his mobile phone that there was no any arrears of bill against him, the licensee disconnected the supply. Therefore he suffered mental torture & therefore the concerned employees & officers of the licensee be punished for their default. He further submitted that while installing new meter on 10.08.2013 reading was 4950, but whether the said reading was actually appearing in the said meter. He further submitted that in the energy bill for the month of Jan.2014 i.e. for the period 10.12.2013 to 10.01.2014 for 242 units of

Rs.1570/-. However the licensee did not issue bills to the consumer for the month of Sept. to Dec.2013 & therefore he required to pay bill of excessive amount. He further submitted that while installing new meter, the meter reading should be 00 but in the said meter reading was 4950 & testing report of said meter was not given to me. He further submitted that on the bill for the month of Jan.2014 last date for payment was 24.01.2014 & concession date was 04.02.2014 but he made payment of the said bill on 29.01.2014 i.e. before the concession date. But supply was disconnected. He further submitted that notice under 56( 1) dated 15.01.2014 was illegal. He lastly submitted employees of the Licensee be punished for the irregularity & illegality.

- 6) On the other hand Licensee (MSEDCL) was represented by Mr.Shirke, Ex.Engineer, Bundgarden Division, Mr. Gedam, Addl.Ex.Engr. Hadapsar-I. They submitted that energy connection bearing no. 170560015189 is standing in the name of Abhijeet Mohan Gawade. But the present complainant is not the consumer of the Licensee. The said consumer did not deposit arrears of bills from Aug.2013. He did not make payment of arrears bill despite the notice dtd.15.01.2014. Therefore supply was disconnected in the month of Jan.2014. They further submitted that the new meter was installed in place of old meter on 10.08.2013 and at that time the said meter was tested in the testing department & having reading 4950. The bill was issued to the consumer in the month of Dec.2013 but he did not deposit the bill in spite of notice, therefore supply was disconnected.
- 7) Following points arise for our determination. We give our findings thereon for the reasons stated as under -

	Points	Findings
i)	Whether disconnection of the said consumer on 29.01.2014 was legal ?	In the negative.
ii)	What order ?	As per final order.

8) Reasons

As regards objection of the consumer that at the time of installation of new meter the reading appearing was 4950 & while installation of new meter, meter reading should be 00 units. However there is no hard & fast rule in this connection while installing the meter at the premises it was tested in the testing department of the licensee. Therefore we do not find any substance in the said objection. Similarly as regards objection of the

licensee that the said connection was standing in the name Mr. Abhijit Mohan Gavade and not in the name of present consumer. But the present consumer is occupant of the premises on the basis of leave & licensee agreement, therefore vide Regulation No.2.1 (s) of supply code 2.0 energy was consumed by him & he can make grievance. Therefore we do not find substance in the submission of licensee.

- 9) Material objection of the consumer was inspite of depositing of bill amount his supply was disconnected illegally. Consumer seeks remedy for that illegality the defaulting officers of Licensee be punished. He does not claim any compensation for that purpose. Admittedly, Licensee issued notice to the consumer under Section 56(1) of electricity Act, 2003 dated 15.01.2014 claiming energy bill of Rs.9071.67 for the month of Dec.2013 vide bill dated 16.12.2013. Last date on the said bill for depositing the said amount was on 6.1.2014. In the said notice Licensee directed the consumer to deposit the said amount of bill within 15 days from the receipt of said notice, else supply will be disconnected and thereafter for reconnection restoration charges will have to be paid as per rules.

Accordingly, the Licensee should have disconnect the supply on 31.01.2014. It is seen from the record that time for depositing energy bill was for 15 days from the receipt of the said notice therefore 15 days period will over after 30.01.2014 assuming that notice was received to consumer on the date of its issue. But Licensee disconnected the supply on 29.01.2014 i.e. before notice period is over. The CPL record of the said consumer discloses that he has deposited arrears of bills on 29.01.2014.

- 10) Section 56 of Electricity Act, 2003 provides for disconnection of supply in default of payment. Sub section(1) of Section 56 of the Act reads as under.

**56. Disconnection of supply in default of payment**

*(i) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply transmission or distribution or wheeling of electricity to him , the licensee or the generating company any, after giving not less than fifteen clear days notice in writing to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through*

*which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid but no longer :*

*Provided that, the supply of electricity shall not be cut off if such person deposits, under protest - - - - -*

*(a) An amount equal to the sum claimed from him, or*

*(b) The electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months whichever is less, pending disposal of any dispute between him and the licensee.*

- 11) Under Section 171 of the Act, mode of services of notices, orders for documents are provided the said modes are i) delivering the notice etc. after obtaining signed acknowledgement receipt thereof or ii) by registered post or iii) such means of delivery as may be prescribed
- 12) Therefore as per Sub/Section-I of Section 56 in case of neglect of paying energy charges etc., the Licensee should have given notice not less than 15 clear days in writing to the defaulting consumer before disconnected of the supply of power. According to proviso under Section 56 (1), supply of electricity shall not be cut off if such person deposits the amount equal to the sum claimed. But in the present case Licensee issued notice under Section 56(1) to the consumer on 15.1.2014 & thereafter disconnected his supply on 29.01.2014 i.e. before 15 days the consumer had depositing the arrears of Rs. 9071.67 on 29.01.2014 i.e. before notice period was over. As per Section 171 of the Act notice should be served to the consumer by delivering the same after obtaining his signed acknowledgement or by registered post or such other means of delivery as may be prescribed. The notice dated 15.01.2014 does not disclose by what means it was served to the consumer but in any case supply was disconnected before 15 days of notice. The disconnecting the supply of Licensee though he deposited arrears of bills was in hurry

It is not only illegal but also malafide & capricious on the part of licensee therefore we find substance in the grievance of the consumer. The defaulting employees of the Licensee are to be dealt with by the Licensee in this regard, according to Law. We answer point No.(i) is affirmative. Grievance is liable to be allowed.

- 13) Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 to 7.12.2014 & CGRF member post was vacant from 1<sup>st</sup> Nov.2014 to 1<sup>st</sup> Feb.2015. Hence grievance could not be decided during a period of 2 months.

Hence the order

**ORDER**

- 1) Grievance of the consumer stands allowed.
- 2) Licensee to take suitable action against its defaulting employees for illegal disconnection of supply of the consumer.
- 3) Licensee to report compliance within one month of receipt of this order.

Delivered on: -16.03.2015

Y.M.Kamble  
Member/Secretary  
CGRF:PZ:PUNE

Suryakant Pathak  
Member  
CGRF:PZ:PUNE

S.N.Shelke  
Chairperson  
CGRF:PZ:PUNE