



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

**Case No. 48/2017**

**Date of Grievance : 05.07.2017**

**Date of Order : 04.09.2017**

In the matter of disconnection of supply.

Mrs.Anita Uday Latukar,  
S.No.33,Dattanagar,  
Youvraj Corner, Warjermalwadi,  
Pune - 411058.

**Complainant**  
(Herein after referred to as Consumer)

**Versus**

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

**Respondent**  
(Herein after referred to as Licensee)

**Quorum**

**Chairperson**  
**Member Secretary**  
**Member**

**Mr. S.N.Shelke**  
**Mrs. B.S.Savant**  
**Mr. S.S.Pathak**

**Appearance**

**For Consumer**

Mr.Uday T. Gaikwad(Representative)

**For Respondent**

Mr.B.M.Sawant, A.E.E.,Warje S/dn.  
Mrs.Sujata P.Shirode, AA, Warje 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 & dissatisfied by the impugned order dated 25.05.2017 passed by IGRC Ganeshkhind Urban Circle, the consumer above named prefers 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., Kothrud Division, Pune vide letter no. EE/CGRF/PZ/Notice/48 of 2017/237 dtd. 19.07.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 18.8.2017.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties.
- 5) Facts giving rise to the grievance may be stated as under :

The above named consumer having consumer No.170014605862 with connected load 2 KW was connected on 6.4.2013 in the category LT-I Res. 1 phase. The Licensee generated the first energy bill of the consumer in the month of Feb.2016 i.e. after 35 months from the date of supply. The consumer did not pay the said bill within time. Thereafter the Licensee disconnected the supply of the consumer and permanently disconnected (P.D.) in March-2016 for nonpayment of dues. Thereafter the consumer approached to the Licensee i.e. sub/division office Warje in the month of Jan.2017 & complained about disconnection & removal of the meter without notice. The Licensee issued fresh bill of Rs.1510/- & reconnection charges challan of Rs.50/- to the consumer. The consumer deposited both the above mentined payments on 10.1.2017. Then she approached the Licensee i.e. Section office Shivane for reconnection of supply. The Section office Shivane refused to reconnect the supply as the supply was made P.D. & time lapsed for more than 6 moths & advised the consumer for application of new connection. Firm quotation was issued on 2.2.2017 for Rs.4050/-. The consumer deposited the amount of the quotation on the same day. Thereafter new connection was released in favour of consumer on 7.2.2017 vide consumer no. 170015370818. The consumer made complaint to IGRC, GKUC for disconnection of supply without prior notice & getting compensation of Rs.50000/- for harassment. The

IGRC rejected the grievance but at the same time directed the Licensee to initiate enquiry in the matter for delayed issuance of first bill vide order dated 25.5.2017. The consumer seeks relief for initiating the enquiry against the defaulting employees & compensation of Rs.50000/- for mental & physical harassment & refund of Rs.4050/- against fresh (new) connection.

- 6) The consumer representative Mr.Uday Gaikwad submitted that the supply was released having consumer No.170014605862 on 6.4.2013. However the Licensee did not issue any energy bill till Feb.2016. The consumer noticed that her meter was removed by the Licensee without any notice. Then she made enquiry in the section office Shivane. At that time the consumer learnt that her meter was removed by the concerned wireman for nonpayment of bills. Thereafter fresh & corrected bill of Rs.1510/- was issued along with challan of Rs.50/- for reconnection charges. The consumer paid the said bill and reconnection charges on 10.1.2017. Thereafter consumer requested the Licensee for restoration of the supply. At that time the concerned officer informed that the connection was made P.D. on 1.4.2016 i.e. before more than 6 months & therefore the supply cannot be reconnected & advised for getting fresh connection. The consumer paid amount of Rs.4050/- for fresh connection. Fresh connection released on 7.2.2017. He submitted that the meter was removed without giving any prior notice and supply was illegally disconnected. Therefore the consumer claims compensations of Rs.50,000/- for mental & physical harassment and refund of Rs.4050/- against new connection.
- 7) On the other hand Mr.B.M.Sawant, Addl.Ex.Engineer, Warje Sub/dn. submitted that the connection having no. 170014605862 was released 6.4.2013. The first bill was generated in the month of Feb.2016 for 1764 an average basis units amounting to Rs.9462/-. However, the consumer did not pay the said bill. The consumer did not make any complaint for

non receipt of bill till 2016. In the recovery drive consumer's name was listed. The Licensee made verification of the consumer's premises & found that the premises was locked and therefore they did not have any contact with her. Consumer's meter was read & found 00002 kwh. Therefore it was revealed that the consumer was not consuming the energy. Therefore meter was removed & the connection made P.D. in March-2016 for nonpayment. The Licensee did not reconnect the supply as per clause 17.3 of conditions of supply as the P.D. was for more than 6 months. Moreover the consumer was not residing at the premises from April-2015 to Jan.2017. Therefore the Licensee could not serve notice to her. The Licensee is not liable to pay any compensation to the consumer.

- 8) It is seen from the CPL that consumption of the consumer was 00 till March-2016 & onwards. The connection was made P.D. in the month of March-2016. The Licensee verified the premises & meter was read in April-2016 showing reading 00002 Kwh. The Licensee noticed that premises was locked. Therefore meter was removed. Since consumer was not enjoying energy after releasing of supply, bills were not issued. It is seen that since the premises was locked consumer could not be served with notice. Fresh quotation was issued to the consumer on 2.2.2017 & supply was released on 7.2.2017 having consumer no. 170015370818.
- 9) Clause 17.3 of conditions of supply reads as under :

*The agreement shall be deemed to be terminated upon permanent disconnection of the consumer or where the consumer remains disconnected for a period of more than 6 months. Provided that the termination of agreement is without prejudice to the rights of the MSEDCL under the Act for recovery of any amounts due under the agreement. A consumer may terminate the Agreement after giving a notice of thirty days to the MSEDCL.*

- 10) The Licensee issued 1<sup>st</sup> bill to the consumer in the month of Feb.2016. The consumer did not pay the bill. Premises was locked. Meter reading 0002 kwh. Therefore meter was removed for non-

consumption & nonpayment connection made P.D.in March-2016. Consumer did not make any complaint for non-receipt of bills from 2013 to 2016. Though meter was removed in April-2016, he did not make any complaint till Jan.2017. Therefore the consumer cannot take benefit of her own wrong. Hence taking into consideration above mentioned facts & circumstances, the consumer is not entitled to get any compensation. However the Licensee is liable to refund security deposit of Rs.10/- and reconnection charges of Rs.50/- to the consumer. The IGRC has already rejected compensation and directed the Licensee to initiate the enquiry in the matter of issuance of delayed first bill & necessary actions as per the outcome of the enquiry & therefore to this extent no any interference is called for in the findings of IGRC.

Lastly we proceed to pass following order.

ORDER

1. Grievance of the consumer is partly allowed.
2. The Licensee to refund S.D. of Rs.10/- against consumer no.170014605862 & Rs.50/- towards refund of reconnection charges to the consumer.
3. The Licensee to report compliance within one month from the date of this order.

Delivered on: - 04.09.2017

**Sd/-**  
**S.S.Pathak**  
Member  
CGRF:PZ: PUNE

**Sd/-**  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ: PUNE

**Sd/-**  
**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may filed representation against this order before the Hon'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg., Bandra Kurla Complex, Bandra(E) Mumbai-51.