

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/U/2005/ 16

Date of Filing: 01 / 12 / 2005.

Date of decision: 03./ 12 / 2005

Shri Shahaji Shankar Gawli - The Consumer

Complainant.

r/o plot No. P- 133/2, Jai Bajrang Market, Bajaj Nagar,

Waluj,Aurangabad.

V/s

**MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. (MSEDCL)**

The Distribution Licensee.

Sub: Grievance under the Maharashtra Electricity Regulatory
Commission,(Consumer Grievance Redressal Forum
and Ombudsman) Regulations 2003

1. The consumer complainant Shri Shahaji Shankar Gawli (Con.No. 490011462895) has filed his application before this Forum on 01.12.2005 with a request to direct the Distribution licensee not to disconnect his electricity supply as he is prepared to pay bill for the disputed period on the basis of payment towards electricity charges made by him during the preceding six months and that he intends to file an appeal against the wrong assessment given to him vide letter dt.25.11.05 by the D.L. to him.
2. Facts of the case ,in brief, are that his old meter was disconnected on 29.08.05 for alleged error of 95% slowness of the meter. The consumer did not agree to the bill of Rs.75350/ given to him for the period March 05 to July 05 due to slowness of the meter . The consumer therefore represented the matter to the various authorities of the

Distribution licensee and there was sufficient correspondence between the two. The consumer has come with this grievance before the Forum.. Though the contention of the Nodal officer that it is the case of theft of electricity can not be accepted devoid of observing all the procedure by the authorized officers under section 135, however the bill is given quoting assessment for 6 months, we take it as a case that may come under provisions of section 126 of the Act as the facts of the case resemble to provision of the section 126 of the Act.

Cont:

Page 2

The consumer was informed that the grievance does not come under jurisdiction of the Forum and was therefore was asked to go before appellate authority under section 127 of the Act.

3. The consumer expressing his intention to file appeal before the appellate authority, requested for issue of direction to the Distribution licensee. not to disconnect his electricity supply till the bill dispute is solved. This application of the consumer was taken up for hearing with a notice to the Distribution licensee.
4. Having regard to the nature of the request , the application was kept for hearing on 03.12.05. The consumer & the Nodal officer were present. The Nodal officer filed application to adjourn the date .However the same was rejected . The Nodal officer also mentioned therein that it is a case of theft of electricity and no interim order may be passed as the Forum has no jurisdiction in the matter.
5. The consumer has filed copy of the letter bearing No. 1477 dt.25.11.05 addressed to the consumer asking him to pay the bill of Rs. 75350/ within a period of 10 days or else action will be taken as per company law.
6. The consumer has filed copy of inspection report dt.29.08.2005 In the inspection report the connected load is

shown to be 644 W. The bill given as per assessment report is for 3040 , 4332 and 5187 units for period ending March , May & July 2005 respectively. Assuming the Electricity is used for all the 24 hours of the day and all the thirty days in a month, the electricity that would be consumed does not match the figure of units which have been considered for assessment resulting in bill of Rs. 75350/. The facts of the case as observed resemble to the provisions of section 126 of the Electricity Act 2003 , we are not considering the grievance of the consumer and therefore the consumer was asked to go before appellate authority with his grievance. The connection of the consumer is for commercial use as the same is being used in his shops at Waluj. The consumer, obviously has filed this application seeking directions to the D.L. not to disconnect his electricity supply till the dispute of the bill is solved .Considering the fact that a letter dt.25.11.2005 was given to the consumer asking him to pay the bill of Rs. 75350/ within ten days, failing which necessary action will be taken (needless to say the action would be one of disconnection) . the application of the consumer was taken up for consideration

.Cont:

Page 3

7. Section 127 stipulates that a consumer can file an appeal against the order of assessment within thirty days of the order along with documentary evidence of depositing an amount equal to 1/3 rd of the assessment.. Since the letter, which constitutes the cause of the grievance is of 25.11.05 and the period before which payment was directed to be made is 10 days, the application was considered for hearing.
1. Section 56 of the Electricity Act 2003 stipulates as follows.

“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 the licensee may after giving not less than

15 clear days' notice in writing to such person and without prejudice to his rights to recover such charge or other sum by suit , cutoff the supply of electricity and for that purpose cut or disconnect any electric supply line..... and may discontinue the supply until such charge or other sum.....are paid,

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,

which ever is less, pending disposal of any dispute between him and the licensee”

The provisions of section 56 make it abundantly clear that the electricity supply can not be cut off unless a 15 days clear notice in writing is given to the consumer and if the consumer pays /agrees to pay the amount as specified in clause (a) or Clause(b) of the provisio to subsection (1) of section 56 of the Electricity Act 2003. The notice to the consumer is given by letter dt.25.11.05 The consumer disputes the amount of the bill raised against him .

Cont:

The period allowed by section 127 of the Act to prefer an appeal against the order is 30 days. The consumer has not filed appeal as yet but has stated that he is filing appeal to the appellatant authority . Since the consumer apprehends that his electricity supply may be cut before he prefers an appeal or before the appeal period is over , he has come before the Forum seeking direction to the Distribution Licensee as stated above. The consumer has shown his willingness vide his application dt.28.11.05 addressed to Dy.Ex.Engineer with copy to Executive Engineer concerned and Executive Engineer (Adm.) in the office of Supdt .Engineer (i.e. Nodal Officer) to pay the bill based on average of the consumption of electricity of last 12 months . The consumer in the same application has stated that the bill is not acceptable to him and he is seeking redressal of his grievance and till such time as the grievance is not decided his electricity should not be cutoff. The D.L. has also violated the provisions of section 56 (1) of the Act by not giving 15 days clear days notice in writing i.e. by abridging the period of 15 days to 10 days. The apprehension of the consumer that his electricity supply may be cut off for nonpayment of the bill , appears to be justified .

In view of the facts as stated above we are of the view that it would be just and proper to grant the application of the consumer not to disconnect his electricity supply disregarding the provisions of section 56 of the Act.

It is therefore ordered that,

- 1. The D.L. shall give the consumer bill for 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.**
- 2. The consumer shall pay the bill so given immediately i.e. ,within a period of three days from the date of receipt of the bill.**

Cont:

Page 5

- 3. Should the bill be paid as stated above the D.L. shall not cut the electricity supply of the consumer.**
- 4. The order at 3 above shall be in force till the consumer files an appeal before appellate authority or till the period specified in section 127 is over , whichever is earlier.**

The Distribution Licensee .& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.KAPADIA)
MEMBER

(V.G.JOSHI)
MEMBER SECRETARY

(R.K.PINGLE)
CHAIRMAN

To,
The Executive Engineer (Adm)
O/O Superitending Engineer
Urban Circle, M.S.E Dist.Co.Ltd.

Sub: **Grievance of Shri Shahaji Shankar Gawli, R /o Plot No.133/2,
Jai Bajranj Market , RX Group,Bajajnagar,Waluj,Aurangabad.
(Consumer No. 490011462895 C)**

Case No. CGRF/AZ/AUR/ U/ 2005/ 16

Dear Sir

The consumer **Shri Shahaji Shankar Gawli** has filed his grievance to this Forum and requested the Forum to issue interim order for not to disconnect his electric supply as he is ready to pay electricity bills on average basis.

The hearing is fixed on 03.12.2005 at 14.15 hrs.

Member Secretary
C.G.R.F.(AZ) Aurangabad.

Encl: Grievance application
Of consumer