

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/ AZ/ AUR/R/ 614 / 2017 / 07  
Registration No. 2017020001**

Date of Admission 01.02.2017  
Date of Decision 15.03.2017

M/s. Indus Tower Limited,  
2010 E Core , 2nd Floor,  
Marvel Edge, Viman Nagar,  
Pune, 411014  
(Con. Nos. 495520025218)

COMPLAINANT

**VERSUS.**

The Executive Engineer ( Administration)  
Nodal Officer, O/O Superintending Engineer ,  
Rural Circle, MSEDCL, Aurangabad.

RESPONDENT

**CORAM**

Shri	Dr.Bhaskar G. Palwe	Chairman
Shri	Uttam M. Urkude,	Member/Secretary
Shri	Vilaschandra S. Kabra	Member.

**CONSUMER GRIEVANCES REDRESSAL DECISION**

The applicant M/s. Indus Towers Limited having its Office at 2010 E Core , 2nd Floor, Marvel Edge, Viman Nagar, Pune, 411014 is a consumer of the Respondent, i.e. Executive Engineer, Nodal Officer, MSEDCL Rural Circle, Aurangabad having Consumer No. 495520025218. The applicant has filed complaint in Annexure – ‘A’ of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) under Regulation 2006 on 01.02.2017.

**The brief details of the complaint are as under.**

The disconnection of our supply of consumer No. 495520025218 of the Mobile Tower connection at Ram Mandir, Ajintha under MSEDCL, Sillod Sub Division under Aurangabad Rural Circle without giving 15 days notice as per Section 56 (1) of electricity act 2003 is a injustice to us. We are engaged in the business of providing telecommunication network, which we maintain the same without interruption. Hence, we take utmost care of paying the electricity bill, we pay about 95 % payments online. We are regular payers of the bills. We paid our full bill of above consumer as on dated 30.01.2017 through cheque. Even though supply of our site is disconnected without giving a notice / intimation as per law on 30.01.2017 at 15.00 hrs. Moreover, it is submitted that our electricity supply is disconnected even after payment. As per condition of supply 23.8.3 “presentation of cheque is treated as the receipt of the payment” and the same is also done without notice as per Electricity Act 2003 Section 56 (1).

**The applicant has prayed as under :**

- A) An immediate interim order may please be passed on asking MSEDCL to restore the supply of above site.
- B) Please, also pass on necessary order to compensate the loss of Rs. 128/- per hour (approx) to maintain the network on DG set, which is a public emergency service.
- C) Please, pass on Rs. 10000/- towards mental harassment of company personals.

**Say of Executive Engineer, Nodal Officer, Aurangabad Rural Circle.**

The MSEDCL had issued the bill for the month of November 2016 but the consumer had not paid the above bill. Therefore, the consumer was issued notice under Section 56 (1) of the Indian Electricity Act 2003 on dtd 06.01.2017. At the site no body from the consumer side was present, therefore, the Technician of MSEDCL, Ajintha had pasted the notice at that site. The correspondence was made for paying of the bill on 24.01.2017. The consumer had paid the bill on 23.01.2017 vide cheque dated 30.12.2016. The disconnection of supply of the company of the consumer is done as per the company rules and the correspondence made with the company. The consumer supply was connected on the instructions of Executive Engineer, Kannad Division on 02.02.2017. The consumer has paid Rs. 2,27,010/- on 04.02.2017 vide MR No. 5333359.

Moreover, it is submitted that the due date of payment for energy bill for the month of November 2016 was 31.12.2016, but the consumer has deposited the cheque on dtd. 23.01.2017 at ADCC Bank Ajintha. The same cheque is cleared on 04.02.2017. As per Section 23.8.3 of condition of supply the consumer has not deposited the cheque in bank before 2 days of the due date.

**Observations of the Consumer Grievance Redressal Forum.**

- 1) The respondent has given the electricity bill for the month of November 2016 of Rs. 2,27,010/- of which due date for payment was 31.12.2016 to the complainant.
- 2) The respondent issued the 15 days notice of disconnection on dtd 06.01.2017 and demand notice dtd. 24.01.2017 for payment of energy bill to the complainant. As there was no any representative of complainant, the notice has been pasted at site of which photographs & dispatch register shown to the Forum.
- 3) The complainant has deposited the cheque of Rs. 2,27,010/- at ADCC Bank on dtd 23.01.2017, the same is cleared on 04.02.2017, hence, payment of energy bill is made vide MR No. 5333569 on dtd. 04.02.2017 as such consumer was in default for payment of energy bill within due date.
- 4) The supply was disconnected by the respondent due to nonpayment of energy bill on dt. 30.01.2017 and reconnected on 02.02.2017 as per the request of the complainant to the Executive Engr, Kannad Division after verifying the cheque deposited in ADCC Bank, Ajantha.

- 5) The delay about 11 days has been caused on the part of ADCC Bank, Ajintha, for clearance of cheque & payment thereof by which loss of interest amount is caused to respondent during this transit period.
- 6) As per Section 23.8.3 of Electricity Supply Code & other conditions of supply, Regulations 2005, "Any consumer, whosoever desires to pay the energy bill by cheque drawn on the local bank shall tender the cheque or shall send the same by post/ courier sufficiently in advance, so as to reach the concerned cash collection centre at least clear two (2) working days in advance before the due date of payment, presentation of cheque is treated as receipt of the payment."
- 7) The complainant has not approached this Forum with clean hands as he himself was a defaulter for payment of electricity bill. Complainant has tried to defame the image of the Respondent. Therefore, the complainant is liable for the penalty for unnecessary proceedings of the Forum. Complainant needs to be fined for Rs. 10,000/- for the said act.

In view of the above submissions made by complainant, Respondent and observations of the CGRF, the Forum passes the following order.

**ORDER**

- 1) The application is rejected.
- 2) The fine of Rs. 10000/- shall be recovered from the complainant.
- 2) The ADCC Bank, Ajantha (Bill Collection Centre) shall be warned for causing delay in clearance of cheques.
- 3) No order as to cost.
- 4) Compliance of the order shall be submitted within 30 days.

Sd/-  
Dr. Bhaskar G. Palwe  
Chairman

Sd/-  
Uttam M. Urkude  
Member / Secretary

Sd/-  
Vilaschandra S. Kabra  
Member