

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

**Case No. CGRF/ AZ/ AUR/ U / 610 / 2017 / 03
Registration No. 2017010070**

Date of Admission 18.01.2017
Date of Decision 15.03.2017

Smt. Shahnawas Parvinbee Jammohanme, COMPLAINANT
Plot No. 2 N 12 F Sector,
CIDCO,
Aurangabad.
(Consumer No. 490011164495)

VERSUS.

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

CORAM

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

CONSUMER GRIEVANCES REDRESSAL DECISION

The applicant Smt. Shahnawas Parvinbee Jammohanme Plot No. 2 N 12 F sector CIDCO Aurangabad is a consumer of the Respondent, i.e. Executive Engineer, Nodal Officer, MSEDCL, Urban Circle, Aurangabad having Consumer No. 490011164495. 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 18.01.2017.

The brief details of the complaint are as under.

The applicant has paid current bill for the month of December 2016 for Rs. 7610/- vide M.R. No. 1689812 dated 07.01.2017 and there are no arrears outstanding against the consumer No. 490011164495 referred above, that all of a sudden the applicant’s electricity supply was disconnected illegally without giving any notice under the provision of electricity act 2003. On enquiry the applicant was told that there are arrears of Rs. 92,274/- on consumer No. 490011164509, which is permanently disconnected on 05.02.2008 (i.e. last 8 years back). The applicant was kept without electricity in his house. He was forced to pay Rs. 92,274/- otherwise supply will not be connected. The respondent i.e. MSEDCL Officials have pressurized the applicant to pay Rs. 92,274/- by post dated cheque. After that the applicant supply was reconnected, the respondent have threatened to disconnect the power supply again without notice.

The applicant has prayed as under :

- 1) MSEDCL may be restrained from disconnecting the supply of consumer No. 490011164495 for which we have paid current bill up to December 2016 and there are no arrears against me.
- 2) Fine be imposed under the provisions of MERC Rules for disconnecting my supply illegally without giving any notice under Electricity Act 2003.
- 3) Compensation of Rs. 5000/- be awarded to me for mental agony, torcher, harassment and defaming me in the society due to this illegal disconnection without notice under electricity act 2003.

Say of Executive Engineer, Nodal Officer, Aurangabad Urban Circle.

The Additional Executive Engineer, CIDCO Sub Division, Aurangabad vide letter dtd. 31.01.2017 submitted that,

- 1) The two nos. of connections are released on dt. 30.11.1995 at the same premises Plot No. 02 N-12 F – Sector, Aurangabad 431001 bearing consumer No. 490011164509 & 49001164495 in respect of Shri Shahnwaj Parvin Sk & Smt. Shahnawas Parvinbee Sk. Jammohan respectively. The consumer No. 490011164509 was permanently disconnected on dtd. 05.02.2008 due to arrears amount of Rs. 1,08,521.80 & consumer No. 49001164495 is still live till today.
- 2) The MSEDCL Company launched “Amnesty scheme for PD Consumers 2016-17” for recovery of PD arrears, from PD HT/LT consumer vide Circular No. 269 dtd. 27.09.2016. The Consumer No. 490011104509 PD Amnesty bill briefly showing exemption of interest and DPC was

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given to the consumer alongwith circulars and pamphlets briefly showing consumer's benefits. Also Scheme was flashed through the local news papers. After consultation with consumer regarding scheme's benefit, he has principally accepts to pay the bill and requested for issuing of post dated cheque of Rs. 92,270/- as amount is very large and wanted some time to collect the same.

Hence, consumer has issued the post dated cheque No. 221000 dtd 18.01.2017 of Rs. 92270/- of State Bank of Hyderabad alongwith the letter of participating in PD amnesty scheme. The consumer has given cheque & letter as PD arrears are as actual & at the same premises where another live consumer (Consumer No. 490011164495) is existing & Amnesty scheme benefits are anticipated by him. The MSEDCL has not disconnected the supply of the consumer for recovery of the PD arrears at all.

- 3) It is quiet unfortunate that the cheque No. 221000 was bounced on 19.01.2017 & consumer rushed to the Forum complaining about the incidence. The MSEDCL has neither threatened the consumer nor pressurized him and even not disconnected the supply for want of PD arrears. On the contrary the consumer has cheated the company by giving bogus cheque & thereby applying unlawful means instead of paying our legal PD arrears.

- 4) As per MERC supply code & other condition of supply regulations 2005, Para 17.8, it is quite lawful for the MSEDCL to recover the arrears or charge for the electricity supplied by the MSEDCL from the consumer himself or his heir or legal representatives, transferee, assignee or successor of the defaulter consumer.

Hence it is our humble request to the Hon'ble Forum to order the defaulter consumer or his heir to pay the PD arrears bill earliest or otherwise order MSEDCL for further cause of action.

Observations of the Consumer Grievance Redressal Forum.

- 1) Two nos. of connections 490011164509 & 4901164495 are given at the same premises in the name of Shahnawas Parvinbee Sk.
- 2) There are arrears of Rs. 92,274/- on consumer No. 490011164509, which is permanently disconnected on 05.02.2008, whereas there is no arrears on 490011164495.
- 3) The MSEDCL has not disconnected the power supply of the consumer No. 490011164495 for recovery of arrears of the PD Consumer No. 490011164509 since date of permanent disconnection i.e. 05.02.2008 & no any legal action taken for recovery of outstanding arrears.
- 4) The MSEDCL has disconnected the power supply without giving any notice under the provisions of electricity act 2003, for the consumer No. 490011164495 and debiting the arrears of 490011164509 on it.

- 5) The Complainant opted for the 'Amnesty Scheme' of MSEDCL for PD consumer No. 490011164509 and issued the post dated cheque of Rs. 92274/- to avoid the disconnection of existing connection which is dishonoured later on, as such the complainant deceived the respondent, for which complainant is also in fault at his part.
- 6) As per MERC (Electricity supply code & other conditions of supply) Regulations 2005, it is quite lawful for respondent (MSEDCL) to recover the arrears from consumer.

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

ORDER

- 1) The complaint is rejected.
- 2) The respondent shall take the legal action, as per existing Law & rules for recovery of arrears of electric connection No. 490011164509.
- 3) Compliance of the order shall be communicated within 30 days.

Sd/-
Dr. Bhaskar G. Palwe
Chairman

Sd/-
Uttam M. Urkude
Member / Secretary

Sd/-
Vilaschandra S. Kabra
Member