

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

**Case No. CGRF/ AZ/ AUR/ JLN/ 602 / 2016 / 33
Registration No. 2016110022**

Date of Admission 10.11.2016
Date of Decision 11.01.2017

M/s. Indus Tower Limited,
H. No. 4, Ghansawangi,
Tq. Ghansawangi 431203
Dist. Jalna.
(Cons. No. 520640126187)

COMPLAINANT

VERSUS.

The Executive Engineer (Administration) RESPONDENT
Nodal Officer, O/O Superintending Engineer ,
O&M Circle, MSEDCL,
Jalna.

CORAM

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

CONSUMER GRIEVANCES REDRESSAL DECISION

M/s. Indus Towers Limited is a complainant and is consumer of Maharashtra State Electricity Company Limited i.e. Respondent. The complainant has filed a complaint against the Executive Engineer (Admn), MSEDCL, O&M Circle, Jalna in Annexure 'A' of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulation 2006 on 10.11.2016.

The brief details of the complaint are as under.

The complainant has stated that their electricity supply of consumer No. 520640126187 was disconnected without giving 15 days notice as per Section 56 (1) of Electricity Act 2003. The complainant is engaged in the business of providing telecommunication network which they maintain without interruption, hence they take utmost care of paying the electricity bill. They are having about 13000 + mobile towers sites through out the state of Maharashtra and they pay about 95+ payments through online. They are regular payers of Electricity bill. They have paid full bills on 22.08.2016 but due to mishap they failed to make payment of the site under reference. This fact was brought to the notice of the SDO and Executive Engineer concerned. The supply of this mobile tower was disconnected on 01.11.2016 without giving any notice as per law and therefore they are approached to the Hon. Forum as per the provisions of Section 65 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006.

The complainant therefore requested this Forum to restore the supply of above site and also pass a necessary order to compensate the loss of Rs. 120/- per hour (approximately) to maintain the network on diesel generator which is a public emergency service and Rs. 10000/- towards mental harassment of company personnel.

Written Statement of the Respondent (the Say of Executive Engineer(Admn), Nodal Officer, MSEDCL O&M Circle, Jalna.

The Nodal Officer i.e. Respondent has submitted that the complainant was having outstanding arrears of Rs. 103840/- (Rs. One Lakh Three Thousand Eight Hundred Forty) for the month of September 2016.

For recovery of arrears the legal notice according to Electricity Act 2003 u/s 56(1) was issued to the complainant on 15.10.2016 by Dy. Executive Engineer, Ghansawangi. The complainant's Electricity supply was disconnected on 01.11.2016 due to nonpayment of arrears. The complainant's Electricity supply was restored on 17.11.2016 after payment of arrears. The complainant has argued that power supply was disconnected without serving disconnection notice as per section 56 (1) of Electricity Act 2003. Actually Power supply was disconnected after serving disconnection notice, the notice was affixed at complainant premises as per Section 171 (2) and the complainant was not regular payer of the Electricity Bills. Even after disconnection, they failed to do so. The consumer registered their grievance directly towards Hon. CGRF instead the consumer can approach to IGRC first.

Observations of the Consumer Grievance Redressal Forum.

- 1) The power supply was disconnected without serving the disconnection notice as per section 56 (1) of Electricity Act 2003.

- 2) The Respondent has manipulated the disconnection notice required as per Section 56 (1) of Electricity Act 2003.
- 3) The Serial No. in the dispatch register and outward no. on the disconnection notice does not match with date of dispatch.
- 4) The respondent failed to prove that the notice as per Section 56 (1) of EA 2003 is served to complainant.

In view of the above submissions made by complainant, Respondent and observations, made by this Forum, The Forum has decided to pass the following order.

ORDER

- 1) The grievance of the complainant is allowed.
- 2) M/s. MSEDCL shall not disconnect the power supply of complainant for which the electricity bills have already been paid.
- 3) The MSEDCL shall pay Rs. 10000/- towards mental harassment and agony to the complainant, the same amount shall be adjusted in complainant bill.
- 4) Compliance to be reported within 30 days.

Sd/-
Dr. Bhaskar G. Palwe
Chairman

Sd/-
Uttam M. Urkude
Member / Secretary

Sd/-
Vilaschandra S. Kabra
Member