

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 189

Hearing Dt. 19/06/2008

In the matter of disconnection without notice

Shri Vijay Laxman Patil

- Applicant

Vs.

MSEDCL, Mulund

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

No one was present

C - On behalf of Respondent

- 1) Shri H.V. Daware, Dy. Ex. Engr., Mulund division.

PREAMBLE :

The consumer registered his grievance with this Forum on 15/05/2008 with serial no.189. He approached the Forum directly as his supply was disconnected on 26/03/2008 without giving notice by Utility. The regular hearing date was fixed on 19/06/2008. The intimation had come unanswered though sent by RPAD.

CONSUMER'S SAY :

Mr. Vijay Laxman Patil residing at I / 209 Vardhaman Nagar, Dr R.B Road, Mulund (W) has submitted his grievance. The said connection is in the name of K.M.Vardhan ,101, Commerce House, N.M.Road, Mulund with consumer no.000093035623. Mr. Vijay Patil is occupier of the said connection premise.

As per consumer's view there were no arrears shown in electricity bills in Jan & Feb 2008, but he received the bill in the month of March with Rs. 2212/- as arrears. The total bill was Rs. 2264/- He had paid the amount of Rs1540/- by cheque on 05/12/07.He had paid the bill of Feb 2008 also.

His supply was disconnected on20/03/2008 without giving 15 days prior notice.

Consumer also demanded information under Right to information 2005, but till day he does not receive the information from utility.

UTILIYT SAY :

(1) Disconnection of supply of consumer No. 93035623 without notice. Supply is disconnected temporarily due to dishonored of consumer cheque no. 739377 dt. 05/12/2007, 15 days disconnection notice issue to consumer vide No. Dy. EE/PR/S-Dn/122 dt.22/02/08. As per statement of Jr. Engineer notice could not serve to consumer due to his premises found locked and after the expiry of notice period the premises disconnected temporarily on 26/03/2008.

- 2) Consumer has submitted an application under Maharashtra Right to Information Act 2005 on dt24/02/2008. consumer is informed by T.O.L No. DY/EE/PR/MND/292 Dt. 12/05/2008. to pay the necessary charges Rs15/- to receive information as demanded by him under Maharashtra Right information Act-2005 from this office personally. But till date consumer neither approached to this office. Copy enclosed herewith.
- 3) No arrears are shown in energy bill for month of Jan 08 & Feb 08, consumer has deposited cheque for Rs. 1540/- of ABN AMRO Bank which cheque is dishonored. This information submitted to sub-division office has debited amount of cheque dishonored with penalty through (+) B-80 in the month of Feb'08 Hence the arrears is appeared in energy bill the month Feb.'08.
- 4) Consumer state that he has paid energy bill of Feb'08. it is not true C.P.L enclosed herewith.
- 5) Arrears of Rs. 2200/- is shown in the month of Mar'08. Yes, it is amount of cheque dishonoured penalty & onward fix charges etc. and due to this, Jr. Engr. Shri Gherade K.D. and his Jr. Technicians Shri S.B. Pawar disconnected temporarily consumer's supply on dtd. 26/03/2008 and this action is correct.
- 6) Consumer stated that only his parents who are senior citizens stay in the flat and they used to go their native place frequently.
- 7) As regards office of the DYEE MSEDCL Panchrasta hesitating to furnish information under Maharashtra Right to Information Act 2005. This is not true, office of the DYEE has informed consumer vide his letter No. DYEE/PR/MND/292, dtd. 12/05/2008 to pay Rs. 15.00 towards charges of Xerox to receive information demanded by the consumer. In his letter consumer stated that the information will be collected personally but due to above reason mentioned in Sr. No. 06 he didn't approach this office for collection of information.

OBSERVATION:

On perusal of CPL of the consumer, the arrears shown in the month of Jan 2008 as Rs257/- as total bill was Rs.348/-, which was not paid by the consumer. But in the month of Feb arrears were shown as 2117.32 and in the month of March total bill amount was Rs 2264/- As per consumer view as there were no arrears shown in the month of Feb 2008 and bill was issued for Rs. 210/-, which was paid by the consumer on 14/03/2008. (Receipt enclosed) but the arrears were shown Rs. 2264/- in the month of March 2008.

Consumer had made the payment in December 2007 by cheque of ABN Amro for Rs. 1540/-, which was dishonored due to insufficient funds. Utility received an intimation of dishonored Cheque from bank on 15th Feb 2008. Hence these arrears were not reflected in the month of Feb bill. Utility issued the bill in the month of March 2008 with these arrears; hence the bill was of Rs2264/-, which was not paid by the consumer.

When utility noticed that the cheque of the consumer was bounced and consumer failed to pay the bill, issued fifteen days disconnection notice on 22/02/2008. But it was not served to the consumer as his premise was locked. After 15 days Dy E.E of concerned division issued an order to disconnect his supply, hence it was disconnected temporarily on 26/03/2008.

On observing the facts of the case, Forum had come to the conclusion that utility did not make any mistake in disconnecting his supply as per rules.

Dishonoring the cheque was offence; hence utility can take the action as per section 138 of negotiable instrument Act at its discretion.

As consumer consumption was '0' in the month of Jan and Feb 2008.

Consumer had asked information under Right to information Act. But he did not pay the required charges to utility. Utility prepared his information on 21/05/2008, but consumer did not approach utility's office as he requested to

utility that he would collect the information personally. Hence there is no substance in the prayer of the consumer.

ORDER

- 1) The utility has rightly disconnected the supply of consumer temporarily. He can get it restored after making payment of arrears and reconnection charges. There is no necessity of granting any relief to the consumer.
- 2) Since the consumer remained absent for hearing before the forum as the notice of information of hearing was returned unanswered thought sent by RPAD, the case is decided by exparty and dismissed.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on .

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP

