

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

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

Date :

Case No. 270

Hearing Dt. 04/06/2009

In the matter of disconnection without notice

Shri Manoj Kanji Hariya - Appellant

Vs.

MSEDCL/T.P.L. (Bhiwandi) - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Chairman/Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Manoj Kanji Hariya, consumer.

C - On behalf of Respondent

- 1) Shri Gautam Gavrav, Executive Legal, T.P.L., Bhiwandi.
- 2) Mrs. Sandhya Iyer, Asstt. Manager, T.P.L., Bhiwandi.

Preamble :

Consumer registered his grievance with this Forum on 06/05/2009 vide case no.270. Accordingly hearing was fixed on 15/05/2009 but appellant was not present, hence hearing was postponed on 04/06/2009. Consumer appealed this Forum against the order passed IGRC of TPL on dtd. 05/03/2009 vide letter no. Chairman/TPL/ IGRC/BWD/case no. 0309/16. No relief was granted by IGRC of TPL.

Consumer say :

Consumer is having power loom industry at 284, Bhandari Compound, Near Bhandari Police Chowky, Narpoli, Bhiwandi with consumer no. 13010249923.

The appellant aggrieved with the decision passed by IGRC of TPL. His electric supply was disconnected by utility on 29/11/2008 without prior notice to the consumer. He also reiterated that company employee pasted a false notice dtd. 10/11/2008 on the disconnection date as his employee refused to sign the same.

Even on request from his worker, utility employee did not wait and disconnected the electric supply immediately.

When he approached the utility, utility officials forced him to pay entire bill at one stroke, then only supply would be restored. Accordingly he issued the cheque on 30/11/2008 but his supply was not restored under the reason that the supply will be restored only after realization of the cheque. Hence he paid the said amount

in cash on 02/12/2008 and supply was restored at 6 P.M. His disconnection period was more than 72 hrs. This cause him mental agony and harassment for which Forum is requested to grant him Rs. 5,00,000/- as compensation and also Rs. 50,000/- for damages caused due to disconnection of electric supply.

Appellant also requested to show the negatives of photo's of pasted disconnection notice.

Utility Say :

Shri Gaurav Gautam, Executive (Legal) and Smt. Sandhya lyer, Asstt. Manager of M/s. Torrent Power Ltd. represented the respondent side as under:

The grievance filed by the consumer before Hon'ble CGRF, company would like to state that officials of company have rightfully disconnected the supply on 29th Sept.,08 for non payment of the electricity bills.

The consumer was in arrears of the energy bill for Rs. 49,211.00 as on disconnection date. As per section 56 (1) of Electricity Act, 2003 a notice was given to the consumer to pay the outstanding amount with in 15 days from the date of notice served. Company also tried to serve the notice for the said service in the month of Sept.-08 and Oct.-08 but the consumer has refused to accept the notice and used rash language to our employees. Since consumer was not accepting the notice, on 10/11/2008 our employees finally pasted the notice near service apparatus for Rs. 49,211/-. The photographs of the notice pasted on consumer's premises are submitted herewith. The same were shown to the consumer during the IGRC hearing.

On completion of the notice period as the consumer failed to comply, the officials of the company disconnected the service on 29/11/08. On disconnection the consumer approached our office and threatened our officer (Manager, NPB) to reconnect his service without any payment, which he refused to do so.

Subsequently, the consumer approached office several times and tried to pressurize our officer to reconnect the supply, but our officers informed him to make the outstanding payment.

The disconnection was done on 29/11/08, which was a Saturday, and next day being Sunday, the issue had to be dealt only on Monday i.e. 01/12/08, when the consumer's representative came to the office and deposited the arrears along with reconnection charges, the officials of the company reconnected the supply on very same day.

Hence it is very clear, that the officials of the company acted as per provisions of law and hence no illegality has been carried out by them and further the question of the mental agony does not arise.

Thus, respectfully prayed that the said complaint be dismissed with heavy cost.

Observations :

The matter was heard on 4th June 2009 as requested by appellant to take the hearing in the month of June-09. Appellant argued that his power loom supply was disconnected by illegal way without pre intimation and written 15 clear days notice as required under E.A. 2003, section 56 (1) which leads to heavy damages due to non production and caused mental agony and harassment.

Appellant reiterated his prayers that respondent should be directed to award compensation of Rs. 5,50,000/-. Appellant trying to justify that photograph of pasted notice taken by respondent are manipulated with computer tricks. The appellant claims that disconnection notice was pasted on 29/11/08 that is at the time of disconnection and not on 10/11/08. Forum could not rely on the statement of appellant as the notice amount, which is clearly legible in the photograph produce by the respondent before the Forum. and is of Rs. 24,705/- and as per record available is the amount of bill for the month of Oct-08. Also as per appellant say worker at site was not ready to signed the second copy of notice and was also not ready to accept the copy of notice which shows wrong practice and attitude of owners representative, otherwise dated signed copy could be the proof for deciding whether it is served in due time or not. Hence regarding claim of appellant for manipulation of notice by computer trick Forum find no meaning at all. With this act of consumer or his worker/representative Forum is constrained to rely on statement of respondent that notice was pasted on 10/11/08. As per MERC Regulation utility can restore supply after disconnection under E.A. 2003 56(l) only on payment of arrears and requisite reconnection charges either in cash/D.D. or pay order or if in cheque, after its realization hence Forum fills that respondent stand for restoration of supply only after payment in above said mode was correct. Forum does not found any substance in the appellant prayer for compensation either for damaged due to disconnection of supply, or even harassment and mental agony hence both are deserves to be rejected.

While going through the submission of respondent written say, the amount of notice served shown Rs. 49,211/- where as representative of respondent turn up during the course of hearing to the actual notice amount Rs. 24,705/- which shows that while submission before Forum respondent was not serious and misleading to statements which is nit in good spirit.

ORDER

As Forum does not found any merits in this case hence dismissed.

No orders as to cost.

Both parties should information according.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 10 June 2009.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from 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**

**R.M. CHAVAN
MEMBER SECRETARY
AND I/C CHAIRMAN
CGRF, BHANDUP**