



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

**IN THE MATTER OF GRIEVANCE NO. K/I/003/0171 OF 08-09
OF SMT. LEELA RAMCHANDRA NITAWANE, KALYAN
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION
OF SUPPLY.**

Smt. Leela Ramchandra Nitawane
Ganesh Darshan, Rambaug,
Kalyan : 421 301

} (Here in after
referred to
as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Sub/Dn. I, Kalyan (West)

} (Here in after
referred to
as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers

conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2). The consumer is a L.T. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per Residential Tariff. Consumer registered grievance with the Forum on dated 17/12/2008.

The details are as follows: -

Name of the consumer :- Smt. Leela Ramchandra Nitawane

Address: - As above.

Consumer No : - 020020354543

Reason of dispute: Disconnection of Supply without notice.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/381 dated 17/12/2008 to Nodal Officer of licensee. They replied vide letter dated DYEE/Sub.Dn-I/Billing/54 dated 09/01/2009.
- 4) The Member Secretary & Member of the Forum heard both the parties on 12/01/2009 @ 15 Hrs. in the meeting hall of the Forum's office. Shri R. S. Nitwane, Consumer's Representatives & Shri D.B. Nitnaware, (Nodal Officer), Shri M. V. Deshmukh, Jr. Engineer, Shri S. N. Deshmukh, Asstt. Acctt. representatives of the licensee attended hearing.
- 5) Consumer stated that he is paying the bills regularly to the licensee. The bill amount for Rs. 810/- for the period 07/01/08 to 14/02/08 was not received by him. So his supply was disconnected on 20/03/08 without giving 15 days notice. At the time of disconnection of supply, the representatives of the

consumer were available in their premises but the employees of licensee who were deputed for disconnection did not inform the factual position to the consumer & without informing they disconnected the supply against the arrears of current bill of Rs. 820/-. On 20/03/08 he paid Rs. 820/- (including DPC) & Rs. 25/- for TDRS charges & his supply was reconnected. He has given his complaint in writing vide his letter dated 21/03/08, 23/04/08, 19/06/08 to the licensee but he is not replied. In the month of June 2008 the consumer met with an accident & due to fracture to his leg, he could not approach to the forum for next three to four months. The consumer has demanded compensation of Rs. 10,000/- from licensee because he was mentally & physically harassed & also it was insulting to him that his power supply was disconnected against the current bill amount, without informing him. The bill was not received by the consumer, so for non payment of bill in time, the consumer is not responsible.

- 6) Forum stated that the consumer has not received the bill for the month of March 08 & because of which the power supply of the consumer was disconnected without notice, so the reason for not issuing the bill to the consumer in time & for disconnection without notice, should be given by the licensee. As per Electricity Act 2003, Section 56 (1), "Disconnection without notice cannot be done".
- 7) Forum asked to the consumer whether he has got any letter from licensee asking to pay reconnection of Rs.25/-.

Consumer replied that he has not received any letter regarding payment of RCC of Rs.25/- but in the bill dated 22.2.08 they demanded to pay Rs.25/- towards TD RC with signature of Junior Engineer. So it is proved that without giving disconnection notice, the power supply of the consumer is disconnected.

- 8) Forum when asked to the consumer that when he came to know that he had not received the bill, had he approached to licensee for bill enquiry, Consumer replied that after disconnection he came to know that the bill for the month of March is not received by him.
- 9) Disconnection was done on 20/03/08, Paid RCC on 20/03/08, Reconnection was done on 20/03/08. Bill processed on 22/02/08 and due date was 13/03/08.
- 10) The consumer is getting the monthly bills regularly. There is a letter box provided in their building, & from the letter box bills are collected by the consumer.
- 11). Following events have been noted by Forum :
 - a). The consumer received current of Rs.810/-for the period of 7.1.08 to 14.2.08 on 20.3.08.
 - b). Supply was disconnected on 20.3.08 without giving 15 days notice.
 - c). The consumer paid the bill of Rs.820/- including DPC of Rs.10/- and Rs.25/- for TD RCC.on 20.03.08
 - d). The licensee not redressed the grievance of consumer.

- e). Reconnection was done on 20.3.08 and bill processed on 22.2.08.
 - f). It is also clear from the bill issued on 22.2.08 that the disconnection is done because there is hand written instructions of JE with his signature to pay Rs.25/- against TDRC.
- 12). In the letter No.54 dt. 09.01.09 from Dy.Ex.Engr.Kalyan Sub Dn.1, it is mentioned that the supply was not disconnected. But from the bill dated 22.2.08, concerned Junior Engineer,demanded Rs.25/- towards TD Reconnection charge which is contradictory. Hence DY.E.E.Sub Dvn.1 is misleading the forum by wrong report. Suitable action as deem fit should be taken against him.
- 13). National Consumer Dispute Redressal Commission New Delhi in Revision Petition No 604 of 2003 dated 29/09/03 in a petition of Chandrakant Mahadeo Kadam against Assistant Engineer MSEB Atpadi & others has held that compensation need to be given to consumer for disconnecting electric supply for no reason. In the present case Mrs. Leela Ramchandra Nitwane was paying bills regularly. But the bill for the month of Feb.08 amounting Rs.810/- was not received by consumer. The licensee disconnected the supply on 20.3.08 without giving 15 days notice to the consumer for the payment of current bill which is not received by the consumer.Hence consumer is liable for compensation an amount of Rs.250/-(Rupees two hundred fifty only).

- 14). After hearing & studying all available documents submitted by both the parties, forum come to the conclusion unanimously and pass the following order :

■ **ORDER –**

1. The licensee should adjust the RCC Rs.25/- and Rs.10/- against DPC recovered from the consumer in ensuing bill.
2. The consumer is entitle for compensation of Rs.250/- towards disconnection without notice, due to violation of I.E.Act 2003,Section56(1)(as per para-13)
3. The consumer's demand of payment compensation of Rs.10,000/- is hereby rejected.
4. Compliance report should be submitted to the forum within stipulated time.
5. Consumer can file appeal against this decision with the Ombudsman at the following address.

*“Maharastra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra - Kurla Complex,
Mumbai 51”*

Appeal can be filed within 60 days from the date of this order.

- 6 Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade, Colaba,
Mumbai 05”*

For non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”.

Date :- 04/02/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan