

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 75/2015

Shri Jagdish K. Ghatole
T.B.Toli, Behind T.B.Hospital
District - Gondia.

Complainant

,,VS..

1. Executive Engineer,
MSEDCL,O&M Division,
Gondia.

2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Gondia.

Respondents

Applicant represented by 1) Nobody present for the applicant
Respondents represented by 1) Nobody present for the respondent

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Mrs. D.D.Madelwar, Member-Secretary.

JUDGEMENT

(Delivered on this 03rd September, 2015)

2. Shri Jagdis K. Ghatole r/o T.B.Toli, Gondia (hereinafter referred to as, the applicant) is a consumer of the distribution licensee MSEDCL (hereinafter referred to as, the respondent). His consumer no. is 430860000231. It is the contention of the applicant that the respondent disconnected his power supply without any notice. So he claims compensation. He approached IGRC Gondia. As per the applicant the IGRC heard the case on 20-11-2014. However he has not received any order till today. He approached this forum under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006 on 03-08-2015.

3. A copy of the application was given to the respondent. The respondent

submitted reply under no.EEG/Tech/4514 dated 12-08-2015. The case was fixed for personal hearing on 31-08-2015. Both the parties were absent. So we decide the case on basis of available record.

4. In written application the applicant submitted that he is a bonafied consumer of the respondent. He took the domestic connection at his residence at village Ratnara, Tq.Dist.Gondia. At present he is residing at Gondia. However he is going to village Ratnara frequently. When he went to the village on 30-03-2014 he noticed that the respondent had taken away the electric meter. The respondent had not given him the bill for the period from October 2013 to February 2014. Thereafter he deposited the electricity bill for the period from March 2014 to July 2014 on 16-08-2014. He deposited the reconnection charges on 14-08-2014. Eventhen the respondent did not reconnect the supply till 25-08-2014.

The respondent disconnected the power supply from 14-03-2014 to 31-08-2014. No notice was given before the disconnection of the power supply. He submitted the complaint applications dated 01--04-2014, 04-10-2014 & 31-10-2014. He claimed compensation by his application dated 04-10-2014.

The applicant requested that the compensation @ Rs.1200/- per day for 162 days may be given to him. Total amount of compensation comes to Rs.1,94,400/-. Rs.2500/- may be awarded towards the cost of this litigation. Rs.1000/- may be awarded for mental and physical agony.

5. In the written reply dated 12-08-2015 the respondent stated that by end of February 2014 the applicant was in arrears of Rs.255.06. The applicant did not pay the

electricity bills from 17-10-2013. The respondent tried to contact the applicant at his residence. However nobody was available there. A notice was given to the applicant for disconnection of power supply due to non payment of electricity charges. The applicant did not give any information to the respondent about his another place of residence.

The applicant did not pay the electricity charges from 17-10-2013. So the power supply was disconnected on 14-03-2014. The copy of the CPL is placed on record. It is seen from the CPL that the applicant did not use the electricity for more than six months. The applicant deposited the arrears of Rs.260/- on 01-04-2014. The applicant deposited the reconnection charges of Rs.150/- on 14-08-2014. The applicant deposited the P.D. and minimum charges of Rs.200/- on 16-08-2014. The applicant submitted the test report on 30-08-2014. So the power supply was reconnected on 31-08-2014.

The respondent took action as per the existing rules. So the application may be dismissed.

6. We have perused the record. Now the question before us is whether the respondent disconnected the power supply as per the provisions of the existing Act and the Rules and whether the applicant is entitle for compensation.

According to the respondent the applicant was in arrears of electricity bills. So he was given a notice and thereafter the power supply was disconnected. As soon as the applicant deposited the arrears amount, reconnection charges and the test report the power supply was restored. According to the respondent the applicant deposited

the arrears of Rs.260/- on 01-04-2014. The applicant deposited reconnection charges on 14-08-2014. The applicant deposited P.D. and minimum charges of Rs.200/- on 16-08-2014. The applicant submitted the test report on 30-08-2014. So the power supply was restored on 31-08-2014. The copy of the test report is on record. As per the report the contractor tested the installation on 30-08-2014. So it appears that the respondent restored the power supply as soon as the applicant submitted the test report.

The provisions about discontinuance of supply to consumer neglecting to pay charges are contained under section 24 of the Electricity Act 2010. On perusal of these provision it is seen that before disconnecting the supply seven days notice is mandatory. The applicant alleged that a notice before disconnection was not given. The respondent in the written reply stated that a notice was given. However a copy of the notice and its receipt given by the applicant is not placed on record. The respondent was specifically directed on telephone to submit the copy of this notice however till today the respondent had not produced the copy of the notice in this office. So we presume that the disconnection notice was not given to the applicant.

The demand for payment of electricity charges with a notice of seven days is to be given and after expiry of seven days the licensee get the right to disconnect the supply. The Act has given this protection to the consumer. However it is seen that the respondent has contravened this mandatory provision. The respondent disconnected the power supply without giving a disconnection notice to the applicant. So we are of the considered opinion that the applicant is entitle for compensation on this count.

The provisions about the determination of compensation are given under

Regulation 12 of the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2014. The amount of compensation is given in Appendix A attached to the aforesaid Regulation. However in Appendix A the amount of compensation for illegal disconnection is not given. The applicant claimed compensation @ Rs. 1200/- per day for 162 days. He claims compensation of Rs.1.94,400/-. However he has not submitted any oral or documentary evidence in support of his say. It is admitted fact that the power supply was restored on 31-08-2014. The applicant submitted his claim of compensation on 04-10-2014. So there is a compliance of the provisions contained in proviso to Regulation 12.2.

In view of the aforesaid position, to the best of our judgment and in exercise of the powers vested in the forum in Regulation 8.2 (c) and (e) of the MERC (CGRF & EO) Regulations 2006 we award the compensation of Rs.1000/- to the applicant. The respondent may award the compensation in cash or adjust the amount in the future bills as provided in proviso to Regulation 12.3 of the aforesaid Regulations.

In absence of any evidence, we are not inclined to accept other claims of the applicant.

In view of the above, we pass the following order,

ORDER

- i) Application no.75 of 2015 is partly allowed. The applicant is awarded the compensation of Rs.1000/-.
- ii) No order as to cost.

Sd/- (Adv.Gauri D.Chandrayan)	sd/- (Mrs.D.D.Madelwar)	sd/- (Vishnu S. Bute)
<u>MEMBER</u>	<u>MEMBER SECRETARY</u>	<u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.03rd day of September, 2015)</u>		

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 03rd September, 2015 in Case No.75 / 2015
is enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Jagdish K.Ghatole, T.B.Toli, Behind T.B.Hospital,
Dist.Gondia

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Gondia
2. Executive Engineer,C.C.O&M Dn., MSEDCL, Gondia.
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670

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NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 01st September, 2015 in Case No.72 / 2015
is enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Prakash R. Deshmukh, At.Po.Pohana, Tq.Hinganghat,
Dist.Wardha

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

3. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha
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