

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/053/2015**

Applicant : Shri Anand Meghraj Diwani,  
User Shri Hemant Diwani,  
B 7/2, Mittal Enclave, Pardi,  
Bhandara Road,  
Nagpur – 440 008.

Non–applicant : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
MSEDCL,  
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.

2) Adv. Subhash Jichkar  
Member.

3) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 24.4.2015.**

1. The applicant filed present grievance application before this Forum on 4.3.2015 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Applicant's case in brief is that he received excessive bills. Therefore he complained to SNDL to test the meter and for revision of bill. Meter was tested in the laboratory of SNDL on 3.12.2014 and it is

found O.K. Applicant was not satisfied with that testing and claimed to test the meter in the laboratory of M.S.E.D.C.L. He received notice of SNDL under section 56 of Electricity Act 2003 on 20.2.2015. For non payment of bill his supply was disconnected on 10.3.2015. On the same day he issued a cheque No. 95891 drawn on Axis Bank for Rs. 114030/- "**Undated Cheque**", and on receipt of that undated cheque, his supply was restored on the same day. But later on, cheque was dishonoured for the reason that there was no balance. Now SNDL is threatening to disconnect electricity supply and therefore he approached to this Forum.

3. Non applicant denied applicants case by filing reply dated 9.3.2015. It is submitted that meter of the applicant was tested by acucheck on 31.10.2012 and 29.11.2012 and it was found O.K. Applicant complained to I.G.R.C. that meter be tested in the meter testing laboratory. Learned I.G.R.C. passed order dated 24.11.2014. As per the said order old meter was replaced, new meter was installed, old meter was tested in the meter testing laboratory of SNDL on 3.12.2014 and it is found O.K. Applicant complained to Learned I.G.R.C. to test the meter in the laboratory of M.S.E.D.C.L. Accordingly meter was tested in the laboratory of M.S.E.D.C.L. on 17.2.2015 and it is found O.K. Applicant paid last bill of Rs. 15000/- only on 23.10.2013 and since then did not pay anything till today. There are arrears amount of Rs. 162900/- outstanding against the applicant and hence notice u/s 56 of Electricity Act 2003 Dt. 20.2.2015 is issued and served on the applicant on the same day.

4. Forum heard arguments of non applicant and perused the record.

5. We have carefully perused CPL of the applicant. In May 2013, June 2013 & July 2013, there was Inaccessible status and average bill of 571 units was charged, and in August 2013, actual reading was taken and bill for 2951 units for 4 months was issued. Therefore as per calculation, it was consumption of 750 units per month approximately. In August 2013 slab benefit of Rs. 12884.42 is already given to the applicant. Therefore this problem is already solved.

6. Secondly, in May 2014, there was Inaccessible status and bill for 503 units on average basis was issued in June 2014. Actual reading was taken and bill of consumption of 1112 units was issued for two months. It means approximately there was consumption of 550 units per month. Furthermore, in June 2014 itself, slab benefit of Rs. 3785.49 is already given to the applicant. Therefore second problem is also solved.

7. Thirdly, in August 2014, there was Inaccessible status and bill of 714 units on average basis was issued but in September 2014, actual reading was taken and bill for 1209 units for two months was issued. It means, there was consumption of approximately 600 units per month. But in September 2014, slab benefit of Rs. 6209.03 and Rs. 123.98 is already given to the applicant. Therefore all these three problems are already solved by giving sufficient slab benefit.

8. As discussed above, as per above mentioned entries in CPL consumption was about 700 units per month. Therefore we have to consider whether it was excessive in comparison with his consumption

trend. It is noteworthy that in May 2012 his consumption was 1085 units, in June 2012 – 1678 units, in August 2012 – 989 units, in December 2012 – 823 units, in January 2013 – 911 units consumption was recorded. Therefore normal trend of consumption of the applicant in some months is 800 to 900 units per month. Therefore these bills were definitely not excessive.

9. So far as connected load of the applicant is concerned, there is spot inspection report on record and there is heavy connected load. It is rather surprising to note that there is specific note / remark at the bottom of the spot inspection report that load taken in spot inspection is as per consumers saying and consumer did not allow to go inside. Therefore it is also possible that actual connected load can be more than the connected load shown in spot inspection report. It is also illegal not allowing the employees of Distribution Licensee / Franchisee to enter into the house to inspect the connected load.

10. So far as accuracy of the meter is concerned, record shows that meter is tested in the laboratory of SNDL on 3.12.2014 and it is found O.K. Not only this, as per consumers request, meter was tested in the laboratory of M.S.E.D.C.L. Executive Engineer (Urban) Testing Division, MSEDCL, Nagpur submitted meter testing report Dt. 4.3.2015 to the effect that meter is O.K. Therefore consumption recorded by the meter is the consumption utilized by the applicant and hence bills can not be revised.

11. Record shows that applicant made last payment of Rs. 15000/- on 23.10.2013 long back and since then did not pay anything. SNDL issued notice Dt. 20.2.2015 u/s 56 of Electricity Act 2003 to the

applicant and it was served on the applicant on the same date i.e. 20.2.2015, calling upon the applicant to pay arrears amount of Rs. 162900/- within 15 days failing which supply shall be disconnected. It is an admitted fact that applicant did not pay the amount within 15 days. It is also an admitted fact that on 10.3.2015 supply was disconnected after expiry of notice period. Therefore this disconnection of electricity supply is perfectly legal and valid. It is also an admitted fact that applicant issued cheque No. 95881 drawn on Axis Bank for Rs. 114030/- on the day of disconnection itself and it was **“Undated Cheque”**. This undated cheque was handed over to officers of SNDL on the day of disconnection Dt. 10.3.2015. It was very well known to the applicant that if undated cheque is issued, SNDL can not encash it and it will be definitely dishonoured. As per designly defective plan of the applicant, cheque was dishonoured. During the course of arguments, applicant admitted before the Forum that there was no balance in his account and therefore cheque was dishonoured. It is pertinent to note that it is amounting to even offence punishable u/s 138 of Negotiable Instruments Act and applicant may be prosecuted under that provision for which Jail punishment and fine punishment is prescribed. Applicant must be thankful to SNDL that they did not file criminal complaint u/s 138 of Negotiable Instruments Act for punishment.

12. Considering all these happening of events, it is clear that conduct of the applicant is not bonafide. He is changing his stance as he suits. He did not pay anything since 23.10.2013 and enjoying the electricity either on credit or free of cost. Whenever legal notice u/s 56 of Electricity Act 2003 is duly served, he even did not care to pay the arrears within 15 days and wait till last breath of disconnection. Soon

after the disconnection on 10.3.2015, again applicant played tactics and created drama of making the payment by undated cheque with full guarantee of dishonour of cheque, misled the officers of SNDL and got the connection restored on the same day. In our opinion, notice u/s 56 of Electricity Act 2003 is duly served against the applicant for non payment of amount of Rs. 162900/- and up till now there is no payment. Notice period is already expired. Therefore SNDL is entitled and authorized to disconnect electricity supply of the applicant for non payment of arrears amount of Rs. 162900/- and no new notice is required for the same amount which is mentioned in the notice and not paid up till now. Therefore notice u/s 56 of Electricity Act 2003 is legal and valid and can not be quashed or set aside.

13. For these reasons, we find no substance and no merits in the grievance application and application deserves to be dismissed. Hence following order :-

### ORDER

- 1) Grievance application is dismissed.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN