

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

Case No. CGRF(NUZ)/10/2012

Applicant : Smt. Damyantiben Dinesh Patel
At Kapsi, Post Bhandewadi,
Tahsil, Kamptee,
Dist. NAGPUR.

Non-applicant : Nodal Officer,
The Executive Engineer Dn.,-I,
Nagpur Rural Division,
Nagpur.

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

Interim ORDER PASSED ON 01.02.2012.

The applicant filed this grievance application on 27.01.2012 under Regulation 8.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

The applicant's case in brief is that her consumer no. is 411380002001 and her electrical connection is disconnected without any notice on 07.01.2011. Her matter is

pending before IGRC. Therefore she claims that her electric connection should be restored.

Notice of interim application under Regulation 8.3 of the said Regulation was issued to MSEDCL. Mr. Fandanvis, Executive Engineer of Division-I, appeared for MSEDCL. Forum heard argument of both the side and perused the record.

On behalf of applicant, Mr. Rakesh Agrawal was present before the forum and argued that the applicant received a bill of Rs.3,61,634=83/- and electric supply was disconnected without any notice on 07.01.2011 therefore her electric supply should be restored.

On the contrary, Mr. Fadanvis Executive Engineer of Division no. I, argued on behalf of MSEDCL argued that factory was closed since long. Since June 2010, factory was completely locked. He further argued that owner of the factory Smt. Damyantiben D. Patel had given the factory on rent to the applicant's representative. The meter is tested in the laboratory and as per the testing report meter is Ok. He further argued that MSEDCL had issued notice dated 17.12.2011 under section 56 of the Electricity Act 2003 to the applicant and copy of notice is duly signed by representative of the applicant, Mr. Dhabe and signature about receipt of the notice is appearing on the copy of notice. The meter is tested on 27.01.2012 and it is Ok. The bill issued is the bill of actual consumption and applicant must deposit that bill.

After hearing rival argument from both the sides Forum proceed to decide this interium application in accordance with rules, regulations and law.

For deciding the interium application, we have to consider whether there is prima-facie case in favour of the applicant ?. Whether balance of convenience is in infavour of the applicant? And whether irreparable loss will be caused to the applicant if interim relief is not granted. Therefore without touching to the merits of the matter and without expressing any opinion on the merits of the matter, Forum proceed to decide application for interim relief.

MSEDCL had produced copy of notice under section 56 of the Electricity Act 2003 which is duly signed by representative of the applicant, this notice is dated 16.12.2011 and representative of the applicant received the notice under his signature and mentioned the date for receiving the notice as 17.12.2011.

Considering the fact that application of the applicant is pending before IGRC, forum feel that there should be some time gap arrangement during the pendency of the matter before IGRC and till the matter is decided on merits by IGRC.

In the opinion of the Forum by way of gap arrangement and without prejudice to the both the parties applicant shall deposit 75% amount of the arrears bill amounting to Rs.3,61,634=83 tentatively and shall continue to deposit current monthly bills well in time and on such deposits, MSEDCL shall restored electric supply of the

applicant and shall not disconnect it, till the decision of the matter on merits by IGRC. Hence Forum proceed to pass the following order.

ORDER

The application is partly allowed.

The applicant is directed to deposit forthwith 75% amount of the bill in arrears of Rs.3,61,634=83 and further applicant shall continue to deposit monthly electricity bill well in stipulated time and on such depositing by the applicant, MSEDCL shall reconnect electric supply of the applicant and shall not disconnect it till deciding the matter on merits by IGRC.

IGRC shall decide the matter on merits independently in accordance with law without nfluencing by reasoning and finding given by this Forum, in this interim order.

Sd/- (Smt.K.K.Gharat)	Sd/- (Adv.Smt.GauriChandrayan)	Sd/- (ShriShivajirao S.Patil)
MEMBER SECRETARY	MEMBER	CHAIRMAN