

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

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**Case No. CGRF(NUZ)/079/2015**

Applicant : Shri Dineshkumar Mishra,  
Flat No. 106, Sai Apartments,  
Babulkheda.  
Nagpur : 27.

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

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Applicant :- By Shri Pallav Kakra.

Respondent by 1) Shri Rody, Nodal Office.  
2) Shri Dahasahastra, SNDL Nagpur.

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

2) Adv. Subhash Jichkar  
Member.

3) Shri Anil Shrivastava,  
Member / Secretary.

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**ORDER PASSED ON 4.6.2015.**

1. The applicant filed present grievance application before this Forum on 8.4.2015 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer

Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that electricity supply of the applicant was illegally disconnected without issuance of statutory notice u/s 56 of Electricity Act 2003, for the first time on 19.12.2014. Therefore applicant filed case No. 80/15 before I.G.R.C. As per order Dt. 29.1.2015, I.G.R.C. held that disconnection of supply is illegal and directed to restore the supply along with other relief.

3. AT second time again supply was disconnected without statutory notice u/s 56 of Electricity Act 2003 on 11.2.2015. Applicant again approached I.G.R.C. against this second illegal disconnection Dt. 11.2.2015. Presiding officer of I.G.R.C. Shri Jahagirdar sent mail Dt. 14.2.2015 at 5.30 p.m. directing SNDL to reconnect the supply immediately. In view of this order passed by I.G.R.C. supply was restored during the night of 14.2.2015.

4. Again on third occasion supply was disconnected on 7.4.2015 at 2.00 p.m. without issuance of statutory notice u/s 56 of Electricity Act 2003. Therefore applicant filed present grievance application and in the same grievance application claimed interim relief under regulation 8.3 of the said regulations.

5. As per Interim Order dated 8.4.2015, non applicant was directed to restore the supply of the applicant forthwith immediately and shall not disconnect the connection till disposal of

the matter by this Forum and case was fixed for final hearing on 24.4.2015.

6. On 29.4.2015, again applicant filed another interim application before this Forum that his matter is pending and Forum has directed SNDL not to disconnect the supply till disposal of the matter but again his electricity supply is disconnected on 21.4.2015. Therefore he is fed up with this continuous harassment and claimed to restore his supply and to provide him compensation.

7. Applicant also claimed to revise his bill as it is excessive and claimed compensation for illegal disconnection.

8. Non applicant denied applicant's case by filing reply Dt. 15.4.2015. It is submitted that applicant filed an application for testing of meter on 5.4.2014, but meter was not tested. Applicant filed another complaint for testing of meter and revision of bill on 10.11.2014 but meter was not tested and supply was disconnected without issuance of statutory notice u/s 56 of Electricity Act 2003 on Dt. 19.12.2014. On 25.12.2014 applicant approached concerned officer of SNDL and requested to reconnect the supply and to test the meter but concerned officer told that without payment of bill it is not possible. Staff went to the spot to test the meter but as there was no electricity supply; meter could not be tested by acucheck. Applicant approached to Learned I.G.R.C. 28.1.2015. Learned I.G.R.C. directed to reconnect the supply, to replace the meter and to test the old meter as per order dated 29.1.2015. Accordingly, old meter was replaced and tested in the laboratory of SNDL and it is found O.K. Therefore bill can not

be revised. Applicant did not pay electricity bill. Therefore without any prior intimation or notice his supply was disconnected on 7.4.2015. Again applicant filed complaint to C.G.R.F. on 8.4.2015 that his supply is disconnected without notice. As per order of this Forum Dt. 8.4.2015 electricity supply was restored. Applicant paid last bill of Rs. 3310/- on 11.7.2014. Till March 2015, amount of Rs. 16085.62 is due and outstanding against the applicant.

6. Forum heard arguments of both the sides and perused the record.

7. It is rather surprising to note that supply of the applicant was illegally disconnected without issuance of statutory notice u/s 56 of Electricity Act 2003, for the first time on 19.12.2014. Therefore applicant filed case No. 80/15 before Learned I.G.R.C. As per order Dt. 19.1.2015, Learned I.G.R.C. held that disconnection of supply on 19.12.2014 is illegal, and directed to restore the supply along with other relief.

8. Secondly, again it is surprising to note that at second time supply was disconnected with out statutory notice u/s 56 of Electricity Act 2003 on 11.2.2015. Applicant again approached to I.G.R.C. against this second illegal disconnection Dt. 11.2.2015. Presiding Officer of I.G.R.C. Shri Jahagirdar sent a mail on 14.2.2015 at 5.30 p.m. directing SNDL to reconnect the supply immediately. In view of this order passed by I.G.R.C. supply was restored during the night of 14.2.2015. Thirdly again it is surprising to note that electricity supply of the applicant was disconnected on third occasion on 7.4.2015 at 14.00 Hrs. illegally

without issuance of statutory notice u/s 56 of Electricity Act 2003. Therefore applicant filed present grievance application before this Forum.

9. This Forum had passed interim order dated 8.4.2015 under regulation 8.3 of the said regulations, and directed SNDL to restore the supply of the applicant forthwith immediately and shall not disconnect again till disposal of this matter by the Forum, and case was fixed for final hearing on 24.4.2015 at 12.20 p.m. But again the applicant filed second interim application Dt. 29.4.2015 alleging that inspite of passing interim order by this Forum and though the matter is pending before the Forum again his supply is disconnected without issuance of statutory notice u/s 56 of Electricity Act 2003, on 21.4.2015

10. Therefore it appears that concerned employees, officers & officials of SNDL are deliberately & repeatedly disconnecting the electricity supply of the applicant without issuance of statutory notice u/s 56 of Electricity Act 2003, on several occasions mischievously and knowingly with a sole intention to harass the applicant. It is very unfortunate on the part of SNDL that such type of employees are working illegally and contrary to the law knowing well that they have no right to disconnect the supply without issuance of statutory notice u/s 56 of Electricity Act 2003. Such employees are also not following several orders passed by Learned I.G.R.C. and they dare to contravene several orders passed by Learned I.G.R.C. Not only this, this Forum has passed speaking interim order Dt. 8.4.2015 describing therein all these repeated illegalities and directed SNDL to restore the supply of the applicant forthwith immediately and not to disconnect again till

disposal of this matter by this Forum and case was fixed for final hearing on 24.4.2015. Again, it is height of illegality that officials of SNDL contravene interim order passed by this Forum Dt. 8.4.2015 and again illegally disconnected the supply without statutory notice on 21.4.2015.

11. It is rather surprising to note that employees / officers / officials of SNDL are committing these illegalities under the nose of business head of SNDL, even then there is absolutely no check, supervision and controlling authority to stop these illegalities. It is very serious. It is therefore necessary that business head of SNDL shall hold disciplinary action against employees concerned who are responsible for such illegal disconnection and to take action against them in accordance with law.

12. At several times electricity supply is disconnected without issuance of statutory notice u/s 56 of Electricity Act 2003 and even contravening order passed by Learned I.G.R.C. and this Forum. This illegal acts committed by SNDL and its employee are deliberate, intentional, against the law and negligence. Due to these illegalities, applicant was in darkness so also without lights and air for several days and nights without any fault on his part. Therefore definitely applicant is entitled for compensation from SNDL. SNDL is at liberty to recover amount of this compensation from the salary of the employees / officers who are responsible dfor such illegalities.

13. So far as excessive bill is concerned, record shows that meter was tested even in the laboratory of M.S.E.D.C.L. There is meter testing report Dt. 4.3.2015 on record signed by Executive  
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Engineer, (Urban) Testing Division, MSEDCL, Nagpur, addressed to Superintending Engineer, Nodal Officer, NUC, MSEDCL, Nagpur and copy of the same is forwarded to Executive Engineer (Nodal) office, NUC, Nagpur. This meter testing report No. 419 Dt. 4.3.2015 shows that meter is O.K. Therefore consumption recorded by the meter is the consumption utilized by the applicant and therefore bill can not be revised.

14. It is true that there are arrears of electricity bills against the applicant and SNDL has right to recover these arrears. No doubt that SNDL has also right to disconnect the supply for non payment of arrears but after the service of statutory notice u/s 56 of Electricity Act 2003. It is a common sense that SNDL has to issue statutory notice u/s 56 of Electricity Act 2003, and on expiry of 15 days, SNDL can disconnect the supply. But every time SNDL is forgetting this legal provision and committing illegal acts & contravening order passed by Learned I.G.R.C. & C.G.R.F. Therefore in our considered opinion, considering peculiar set of circumstances of this matter applicant is entitled to claim compensation of Rs. 50000/- from SNDL and this Forum is empowered to grant such compensation as per provisions laid down under regulation 8.2 (d) of the said regulations. Hence following order :-

#### ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant is hereby directed to restore the supply of the applicant immediately and shall not disconnect the said supply in future without service of statutory notice u/s 56 of Electricity Act 2003.

- 3) Non applicant is hereby directed to pay compensation of Rs. 50000/- to the applicant for multiple illegal disconnection without issuance of statutory notice u/s 56 of Electricity Act 2003, under regulation 8.2 (d) of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.
- 4) Business Head of SNDL is directed to take action against responsible employees / officers / officials of SNDL who repeatedly disconnected supply of the applicant without issuance of statutory notice u/s 56 of Electricity Act 2003, and who contravened several orders passed by Learned I.G.R.C. & interim order passed by this Forum Dt. 8.4.2015 and to take action against them in accordance with law.
- 5) SNDL is at liberty to recover amount of said compensation Rs. 50000/- from employees / officers / officials of SNDL who committed this illegality at multiple times.
- 6) Compliance should be reported within 30 days from the date of this order.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN