

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

Case No. CGRF(NUZ)/09/2007

Applicant : Shri Digambar Sharmrao Chandekar
D/H Late Shri Shamrao J. Chandekar
At- 27, Adarsh Vinkar Colony,
Tandapeth,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Gandhibag Division, NUZ,
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 09.03.2007)

The present grievance application has been filed on 12.02.2007 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The applicant has complained that his power supply was disconnected on 20.01.2007 without any intimation to him. He has also stated that his complaint dated 03.10.2006 in respect of his meter running fast by 60% was not taken any cognizance of by the non-applicant. His grievance pertains to these two complaints.

Before approaching this Forum, the applicant claims that he had filed his complaint about his meter running fast by 60% to the Assistant Engineer, Binaki S/Dn., NUZ, MSEDCL, Nagpur with a copy to the Executive Engineer, Gandhibag Division MSEDCL, Nagpur followed by a reminder dated 05.10.2006. However, no remedy was provided to his grievance. Hence, the present grievance application.

The intimation given to the Assistant Engineer and the Executive Engineer on 03.10.2006 which was duly received by them on 03.10.2006 is deemed to be the intimation given to the Internal Grievance Redressal Cell in terms of the said Regulations.

The matter was heard on 02.03.2007

It is the contention of the applicant that he had complained to the Assistant Engineer and Executive Engineer concerned on 03.10.2006 and brought to their notice that his electric meter was running fast by 60% with the result he was getting excessive energy bills. He had also requested therein that his meter be checked on the spot and his energy bills may be revised. This was followed up by subsequent intimation addressed to the Assistant Engineer with a copy to the

Executive Engineer on 05.10.2006. However, no cognizance was taken about his complaint and on the contrary, his power supply came to be disconnected on 20.01.2007 on the ground of non-payment of energy bill amounts. His supply was restored on 22.01.2007 on his making the payment of arrear amount on 22.01.2007. He added that he and his family were forced to live in dark because of illegal disconnection. He vehemently argued that his power supply was disconnected without any notice to him. This, according to him, is unjust, improper and illegal. He further stated that his meter was not checked on the spot in his presence despite his specific request made to that effect on 03.10.2006. His meter, being meter no. 182654, was also not checked in the Testing Unit of Gandhibag Division in his presence.

He lastly prayed that his energy bills may be revised and appropriate credit given to him with effect from October, 2006.

The non-applicant, on his part, has stated in his parawise report that a complaint dated 03.10.2006 was duly received from the applicant and accordingly, the applicant's meter was checked on the spot on 17.10.2006. Upon checking it was found that the meter was fault-free. Accordingly the applicant was informed orally. The applicant's meter was subsequently sent to the Testing Unit of Gandhibag Division for testing purposes. For this purpose the applicant was asked to make payment of meter testing charges of Rs.100/- on 20.02.2007. This demand note was also duly received by the applicant's representative. However, the applicant did not make payment of this demand note amount. Nevertheless, the

applicant's meter was tested on 26.02.2006 in the Testing Unit and it was found that the meter was fault-free. Before carrying out the testing, the applicant was given prior intimation on 24.02.2007 requesting him to remain present at 12.30 hrs. on 26.02.2007. However, the applicant refused to receive this intimation.

He added that an arrear amount of Rs.5401.93 was outstanding against the applicant till January, 2007. He was also asked to make payment of this arrear amount from time to time. However, since he failed to make this payment, his power supply was temporarily disconnected on 20.01.2007. It was restored on 22.01.2007 immediately after the applicant made payment of this arrear amount.

He strongly contended that question of revision of the applicant's energy bills does not arise in view of the fact that his meter was found to be alright. He prayed that the grievance application may be dismissed.

In the present case, it is brought to our notice that the applicant's meter was tested on the spot on 17.10.2006. The applicant, when asked, admitted that his son was present at the time of checking of his meter on 17.10.2006. He, however, stated that his meter was not tested on the spot in his presence. The non-applicant also could not produce any documentary evidence to substantiate his statement that the applicant's meter was tested with accucheck meter on the spot on 17.10.2006. However, he empathetically stated that the applicant's meter was, indeed, tested on the spot on 17.10.2006. We do not see any reason to disbelieve the statement of the non-applicant for the reason that the

applicant has admitted during the course of hearing that his meter was tested on 17.10.2007 in the presence of his son. As regards the testing of the applicant's meter in the testing unit of Gandhibag Division, it is evidenced by record that prior intimation dated 24.02.2007 was addressed to the applicant informing him that his meter would be tested on 26.02.2007 at 12.30 hrs. However, the applicant refused to accept this intimation. The non-applicant has produced a copy of the intimation dated 24.02.2007 which proves that the applicant refused to accept the intimation. It is also a matter of record that a demand note of Rs.100/- towards meter testing charges was served upon the applicant. However, the applicant did not make payment of this demand note.

The testing report of the meter Testing Unit of Gandhibag Division dated 27.02.2007 clearly shows that the meter was not defective. We do not see any reason to disbelieve the testing report. Hence, the fact remains that the applicant's meter was tested with accu-check meter on 17.10.2006 on the spot and also in the testing unit of Gandhibag Division on 27.02.2007 and that his meter was fault-free.

The only mistake that had occurred on the non-applicant's part is that the intimation dated 24.12.2006 makes a mention of meter testing on 26.12.2007 while actually the meter was tested on 27.12.2006 and not on 26.12.2006. We hold that this mistake can be ignored since the non-applicant's bonafides are clear.

It is pertinent to mention here that the applicant's complaints dated 03.10.2006 and 05.10.2006 do not bear

signature of the applicant or of any of his representatives. However, still the non-applicant proceeded to check the applicant's meter by ignoring this important fact. The bonafides of the non-applicant are, therefore, very clear and cannot be doubted.

In view of above position, question of revision of the applicant's energy bills does not arise.

The applicant's request for revision of his energy bills from October, 2006 till the date of replacement of his old meter, therefore, stands rejected.

A grievance is made by the applicant that his power supply was disconnected without any prior notice to him. On this point, when specifically asked by us, the non-applicant admitted that no such prior written notice was given to the applicant. However, he contended that the applicant was informed orally before disconnecting his power supply. His mere statement that the applicant was informed orally before disconnecting his power supply can not be accepted by us.

Section 56 (1) of the Electricity Act, 2003 lays down that 15 clear days' notice shall given to any consumer before disconnecting his power supply in the event of non-payment of energy bills by him. This mandatory requirement was not complied with by the non-applicant as is evident from his admission. The non-applicant's action of disconnecting the applicant's power supply on 20.07.2007 till 22.01.2007 was thus not proper.

We, therefore, direct the non-applicant to ensure always that power supply of any consumer should not be

disconnected on the ground of non-payment of energy bill by him amount without serving him with a 15 clear days' prior notice.

In the result, the grievance applicant stands disposed off accordingly.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**