

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

Case No. CGRF(NUZ)/296/2014

Applicant : Shri Y.P.Bhavankar,
User Smt. N.D.Jana,
Qtr. No. 10'A', Type-II,
Bijleenagar,
Nagpur.

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 16.1.2015.

1. The applicant filed present grievance application before this Forum on 21.11.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that she is occupier of Qtr. No. 10 A, Type II, Bijleenagar Sadar, Nagpur. She is working as L.D.C. in Nagpur Urban Zone, MSEDCL, Nagpur. Her previous occupier was Shri R.Y. Bhavankar. Quarter was allotted to her as per order Dt. 2.1.2012. She received first electricity bill in the month of July 2012 for RNA status for 100 units which she paid. However, second bill for August 2012 was for 1490 units mentioning previous reading as '1' and current reading as 1491 units. This bill included the amount of bill pertaining to previous occupier for consumption of electricity of his period of residence. She contacted SNDL and thereafter every month SNDL used to add previous bill for past period along with interest & DPC and after personal follow up her bill used to be corrected by deducting previous amount and charging of current bill only. This continued till August 2014. In the mean while she contacted SNDL authorities several times to correct her bill permanently and revise the same but in vain.

3. Dy. Executive Engineer (Civil) Civil Construction Cum Maintenance Sub-Division No. 1, M.S.E.D.C.L. Nagpur informed Executive Engineer (Admn.) NUZ, MSEDCL, Nagpur that initial reading as on 9.1.2012 (i.e. prior to her occupation of the said quarter was 1064 units. It means that she should have been charged for $1491 - 1064 = 427$ units in August 2012 instead of 1490 units. She was issued bill for October 2014 amounting to Rs. 7132.87 which is incorrect. Therefore it is necessary to revise the bill.

4. It is further submitted that surprisingly on 20.11.2014, SNDL had suddenly disconnected her electric supply without any statutory notice and after great persuasion, the same was reconnected after 3 / 4 hrs. She is a physically handicapped employee of M.S.E.D.C.L. SNDL did not bother to rectify the mistake and thereby harassed her physically and mentally for no mistake on her part. The applicant claimed compensation of Rs. 5000/ for illegal disconnection of electricity supply without statutory notice and for physical & mental harassment.

5. Non applicant denied applicant's case by filing reply dated 4.12.2014. It is submitted that quarter was allotted to the applicant in July 2012 and at that time reading was 1064. In the bill of August, previous meter reading was shown as '1' and current meter reading is shown as 1491 and bill for 1490 units is issued. As per order of Learned I.G.R.C. initial reading was treated as 1064 & 1063 units were deducted. S.N.D.L. is taking steps to comply order passed by Learned I.G.R.C.

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

7. Record shows that the applicant has submitted letter to Superintending Engineer, Nodal Office, MSEDCL, NUZ, Nagpur that at the time of occupying the staff quarter by the applicant meter reading was 1064. On the basis of this document, applicant deserves to get revision of the bill of August 2012. Learned I.G.R.C. directed to revise the bill of the applicant for August 2012 considering initial reading of 1064 units and to give credit accordingly and to submit compliance prior to 21.12.2012.

8. During the course of arguments, it is argued that P.D. arrears of previous occupier are added in the bill of the applicant in July 2012. Applicant is neither legal heir and even nor purchaser of the premises. Meter is in the name of Shri R.Y. Bhavankar. Needless to say that these meters installed in various quarters of M.S.E.D.C.L. are in the name of M.S.E.D.C.L. Whenever a quarter is allotted to its employee, the concerned employee has to utilize electrical energy and at the time of vacation, he is responsible for payment of all electrical dues. At the time of relieving the employee or at the time of vacation of the quarter, he has to produce N.O.C. that no dues are outstanding against him. Therefore employee of M.S.E.D.C.L. who occupied the quarter and utilised the energy during his respective tenure is responsible and liable to pay these electrical charges. In our opinion these electrical arrears can not carry and can not be burdened on subsequent occupier who is neither the subsequent owner, purchaser or legal heir of previous occupier. Therefore if previous occupier of the quarter did not deposit the electricity charges and there is permanent disconnection, Non applicant is authorized to recover those P.D. arrears, from the employee who utilised electrical energy other wise it will be unnecessary injustice with subsequent occupier of the quarter. On this back ground, non applicant has no right to recover P.D. arrears from the applicant and it is necessary to deduct these P.D. arrears from the bill of the applicant and to revise the bill.

9. In para 3 of the grievance application, applicant submitted that “surprisingly on 20.11.2014 suddenly SNDL disconnected her electricity supply without any statutory notice and after great persuasion,

the same was reconnected after ¾ hours. She is physically handicapped employee of M.S.E.D.C.L. Even though and when revision of her bill is very genuine, M/s. SNDL did not bother to rectify the mistake and thereby harassing her mentally and physically for no mistake of herself". Therefore it is positive allegation of the applicant that there was disconnection without service /without issuance of statutory notice under section 56 of Electricity Act 2003 ad therefore in para '4' of her Grievance application she claimed compensation of Rs. 5000/- for physical and mental harassment. It is rather surprising to note that in reply of SNDL Dt. 4.12.2014, there is no denial of disconnection without statutory notice. Furthermore, it is not denied in reply that applicant is not entitled to get compensation of Rs. 5000/- for physical and mental harassment. It is pertinent to note that after filing of the grievance application Forum had issued notice under regulation 6.14 to non applicant Dt. 21.11.2014 and directed to file para wise reply as per regulation 6.13 of the said regulations. Even then SNDL did not care to file para wise reply. In reply of SNDL Dt. 4.12.2014 no para wise reply is given to para 3 ^ para 4 of the grievance application. Therefore allegation of the applicant in para 3 & 4 of the grievance application regarding illegal disconnection without statutory notice and claim of compensation of Rs. 5000/- is nowhere denied by the non application in its reply. As usual M.S.E.D.C.L. also did not care to file para wise reply much less no reply. M.S.E.D.C.L. simply attached their cyclostyled covering letter dated 4.12.2014 and submitted that SNDL had produced reply and M.S.E.D.C.L. is forwarding it to the Forum. Therefore there is no denial of illegal disconnection without notice and claim of compensation of Rs. 5000/- either by SNDL or by M.S.E.D.C.L. Therefore it is clear that there was disconnection of

electricity supply of the applicant on 20.11.2014 without any statutory notice.

10. It is noteworthy that previously also employees of SNDL/SPANCO went to the spot for disconnection. Applicant is employee of M.S.E.D.C.L. and therefore she approached / complained to S.E. NUC (Nodal), Nagpur about threatening by SNDL for disconnection. Therefore Manager (H.R.), M.S.E.D.C.L. NUZ, Nagpur issued a letter No. 0248 Dt. 1.2.2013 to S.E. NUC, (Nodal) and in this letter it is specifically mentioned that officers of M/s. SPANCO are repeatedly visiting the spot for disconnection and requested to issue directions not to disconnect the supply. Applicant produced copy of the letter on record.

11. From these circumstances, it is crystal clear that since 2013 employees of SNDL went to the quarter of the applicant at various times and attempted to disconnect and finally on 20.11.2014, they have illegally disconnected electricity supply of the applicant without any statutory notice and therefore said disconnection was patently illegal. Applicant is employee of M.S.E.D.C.L. and she is residing with her family members. She is physically handicapped employee of M.S.E.D.C.L. and therefore due to illegal disconnection by SNDL, definitely she sustained physical and mental harassment. In our opinion, SNDL shall pay compensation of Rs. 1000/- (Rs. One Thousand only) for illegal disconnection without statutory notice and for physical and mental harassment to the applicant.

12. Considering all these aspects, it is necessary to take current reading of the applicant and to deduct 1064 units from that current

reading and thereafter quantum of units should be divided into the period of occupation and to give slab benefit and bill should be revised accordingly. Hence following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) M/s. S.N.D.L. is directed to take current reading of the applicant, deduct 1064 units (i.e. reading at the time of occupation of the quarter) from the current reading, and quantum of units so arrived at, should be divided into period of occupation and to revise the bill accordingly till January 2015, by giving slab benefit. The total amount paid by the applicant should be adjusted in the revised bill.
- 3) SNDL is hereby directed to pay compensation of Rs. 1000/- (Rs. One Thousand only) to the applicant for physical and mental harassment due to illegal disconnection of electricity supply without statutory notice on Dt. 20.11.2014.
- 4) SNDL is hereby directed either to pay the above compensation in cash or to adjust the amount of compensation of Rs. 1000/- in her monthly electricity bills.
- 5) 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