

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

Case No. CGRF(NUZ)/272/2014

Applicant : Smt. Indutai Eknath Shendre,
(Surabardi), 204, Chhatrapatinagar,
Ring Road,
Nagpur.

Non-applicant : Nodal Officer,
The Executive Engineer,
Division No. II,
MSEDCL, N.R.C.,
NAGPUR.

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

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 24.12.2014.

1. The applicant filed present grievance application before this Forum on 29.10.2014 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 also claimed interim relief under regulation 8.3 of the said regulations

3. The applicant's case in brief is that the applicant owned & possessed Survey No. 137/1, situated at Village Surabardi Taluqa & District Nagpur. Her electricity supply was disconnected without service of any statutory notice. Average bills were issued by M.S.E.D.C.L. It is necessary to revise those average bills. Applicant is ready to pay legal & proper bill. Due to illegal disconnection applicant could not take irrigated crops. Therefore applicant claimed to restore his electricity supply and claimed compensation of Rs. 25,000/-.

4. Non applicant denied applicant's case by filing reply Dt. 2.12.2014. It is submitted that applicant did not pay arrears of electricity bill and therefore his supply was disconnected. Applicant is liable to pay arrears of electricity bill and interest. Till 17.10.2013 applicant did not pay arrears of electricity bill, therefore after service of valid notice his supply was disconnected on 17.10.2013. Applicant is not entitled for any compensation. Grievance application deserves to be dismissed.

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

6. During the pendency of the matter application for interim relief was decided by this Forum as per order dated 7.11.2014 and directions were given to M.S.E.D.C.L. to restore the supply forthwith

under regulation 8.3 of the said regulations. Accordingly supply was restored on 20.11.2014.

7. So far as service of notice is concerned, M.S.E.D.C.L. has produced copy of statutory notice Dt. 28.8.2013 u/s 56 of Electricity Act 2003. At the bottom of this notice there is specific note that “Aplicant is not residing at village Surabardi. Field is not in cultivation and nobody was available in village Surabardi to receive statutory notice”. During the course of argument also, applicant personally admitted that he is residing at Chhatrapati nagar and he is cultivating the field with the help of labours and occasionally he is visiting village Surabardi. There is nothing on record to show that applicant had provided his Nagpur address to M.S.E.D.C.L. at the time of taking the connection. Therefore it is but natural that M.S.E.D.C.L. could not send the notice on the address of the applicant at Nagpur. Applicant was not available at Surabardi & his representative was also not available and therefore statutory notice could not be served and hence it is amounting to “deemed service of notice”. It specifically mentioned in statutory notice Dt. 28.8.2013 that amount of Rs. 11340/- is due and outstanding against the applicant and he did not pay this amount. Therefore applicant is liable to pay these arrears along with interest. If the applicant failed to pay the amount, M.S.E.D.C.L. is at liberty to recover this amount from the applicant by due process of law and M.S.E.D.C.L. is even authorized to disconnect the supply for non payment of this amount but after accurate service of notice on the address of the applicant at Nagpur which is given in these proceedings, **“Resident of 204, Chhatrapatinagar, Ring Road, Nagpur – 15”**.

7. Considering the facts and circumstances of the case and evidence on record, in our opinion, it is the applicant who did not pay amount of arrears of electricity bill and therefore supply was disconnected. Applicant was not available at village Surabardi and Nagpur address of the applicant is not provided by him to M.S.E.D.C.L. and therefore notice could not be served by Registered A.D. In such circumstances, applicant is not entitled to claim any compensation from M.S.E.D.C.L.

8. Record shows that even bill of the applicant is revised and supply is restored. Applicant is not entitled for any compensation. Therefore Forum proceeds to pass following order : -

ORDER

- 1) Grievance application is partly allowed.
- 2) Applicant is hereby directed to pay amount of revised bill failing which M.S.E.D.C.L. shall be at liberty to recover it by due process of law and shall be at liberty to disconnect the supply of the applicant for non payment of arrears. However, after valid service of notice on Nagpur address of the applicant or Surabardi address of the applicant.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN