

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

Case No. CGRF(NUZ)/021/2011

Applicant : M/s. Shivmangal Ispat Pvt. Ltd.,
At Village Marodi, Taluka Mouda,
Dist. NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Superintending Engineer, NRC,
Nagpur Urban Zone,
Nagpur.

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER (Passed on 04.07.2011)

The present grievance is filed by M/s. Shivmangal Ispat Pvt. Ltd., on dated 27.04.2011 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. In the same grievance

application, the applicant also claim Interim relief under Regulation 8.3 of the said Regulation.

The applicant's case in brief is that applicant is a consumer of MSEDCL. The applicant received a bill of consumption of Rs. 66,19,944=01 for the month of March 2011. The applicant paid Rs.82,50,000/- on 06.04.2011, after this payment, amount of Rs.66,19,944/- was due as outstanding against the applicant. On 19.04.2011, the non-applicant issued a notice to the applicant. It was 24 hours notice directing the applicant to pay the amount of Rs.67,70,320/-. According to the Section 56 (1) of the Electricity Act, 2003, 15 days notice is necessary. Therefore notice is illegal. The applicant issued a cheque towards the electricity bill but it was dishonored on the ground of "exceeds arrangement". Therefore claim following reliefs.

- 1) To declare that notice on dated 16.04.2011 is illegal and contrary of law.
- 2) To restore the electricity supply to the factory premises.

The non-applicant had resisted claim of the applicant. While deciding the application for Interim relief, Forum heard the arguments from both the sides and perused the record. The applicant aggrieved that 24 hrs notice is illegal and his supply cannot be disconnected on the basis of such a illegal notice. On the contrary, on behalf of the non-applicant, Mr. Randive argued that applicant is a habitual defaulter. Till now, MSEDCL had issued 15 days notice to the applicant at 3

occasions. Thereafter adopting various tactics to prolong proper serving of the notices personally he asked the watchman to receive the notice and later on alleged that serving of notice is not proper. It is further argued that applicant had issued a cheque of the said amount to the licensee, since he wanted to pay previous bills. The applicant is such a person who is not paying electricity bills on due date but every month he required 15 days, notice and thereafter adopting various tactics to prolong the payment of the bills. It is further argued that applicant had issued a cheque of the amount due, but it is dishonor by the bank and thereby applicant succeed in the prolonging the payment by hook or crook. The applicant is taking disadvantage of section 56 (1) of the Electricity Act, 2003 every months to prolong payment by 15 days. Therefore, it is misuse of the legal provisions of the Act.

After hearing the arguments from both the sides, and grievance application is partly allowed for interim relief, without going into the merits of the matter and ordered that applicant shall deposit 60% of the amount of Rs.66,19,944=01 in the office of the MSEDCL on or before 29.04.2011 and remaining balance on or before 03.05.2011. On depositing the 60% amount by the applicant, the non-applicant shall reconnect electricity supply within one hour subjected to the condition that applicant shall deposit remaining balance amount on or before 03.05.2011.

Therefore the matter was fixed for final hearing. However on the date of hearing applicant and non-applicant, both were absent. Forum perused entire record.

It is noteworthy that so far as amount of recovery of Rs.66,19,944=01 is concerned there is absolutely no dispute between the parties. It is also admitted fact, applicant issued a cheque of the due amount but it was dishonor.

Needless to say that in every electricity bill MSEDCL mentioned last date of payment and its expected that consumer shall deposit within due date as given in the bill itself. It is true that according to section 56 (1) of the Electricity Act, 2003, 15 days prior notice is necessary for disconnection. However, we have understood intention and object behind this provision. According to the non-applicant, applicant is such a clever person who is depositing electricity bills in lakhs of rupees every month but at the same time every month he is not depositing the bill on or before the last date given in the bill. The applicant who required 15 days notice every month under section 56 of the Electricity Act, 2003. Applicant admitted that the bill amount is Rs.66,19,944/-. Needless to say that when there was no balance in account the applicant was fully aware of this fact. Even then he issued a cheque and it was dishonored.

Natural justice is like equity, one who claim equity must coming to the Forum with clean hands. It appears that the applicant has the attitude is to prolong lakhs of payment of rupees every month. In the opinion of the Forum, this is

nothing but complete dishonestly, misuse of statutory provisions laid down under section 56 of the Electricity Act.

Reportedly it is learned that the applicant deposit entire amount of the bill and electricity supply was restored. Both were absent on the date of hearing. It appears with applicant has no interest in the matter and therefore remained absent.

In the opinion of the Forum, application deserves to be dismissed. Hence the Forum proceed to pass the following order.

ORDER

The grievance application is dismissed.

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

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