

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

Case No. CGRF(NUZ)/001/2011

Applicant : Shri. Wamanrao M. Asatkar
Through Shri. Anil Asatkar
Old Jaripatka, near Mata Mandir
NAGPUR.

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

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Executive Engineer &
Member Secretary,

INTERIM ORDER

(Passed on 04.01.2011)

The applicant Shri. Anil Asatkar, the user of the connection in the name of Shri Wamanrao Asatkar (Deceased) residing at old Jaripatka near Mata Mandir Nagpur filed present grievance application on dated 01.01.2011 under Regulation 8.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said

Regulations for interim relief with a prayer not to disconnect the electric supply of the applicant.

1. The applicant's case in brief is that since 2008, he is receiving excessive, unreasonable and incorrect electricity bills. In fact he had not utilized that much consumption of electricity for which these bills are raised. The applicant sent many complaints to the non-applicant but in vain. However, the non-applicant has issued 15 days disconnection notice dated 15.11.2010 mentioning that a bill amount of Rs.38,749/- is due and outstanding against the applicant and if this amount is not deposited on or before 30.11.2010, the non-applicant will disconnect the supply without prior intimation according to the provisions of Electricity Act 2003. Also the Grievance of the applicant is pending before the IGRC therefore the applicant's plea is that to consider the notice as arbitrary and illegal. Hence the applicant prayed that his connection should not be disconnected without providing him proper bills.
2. The matter was heard in the Forum for interim relief on dated 04.01.2011. Both the parties were present. Shri R.K. Ghatole, Dy.E.E., was present on behalf of non-applicant. Shri. Sunil Jacob, consumer representative has pleaded that in-spite of regular payment of electricity bills the non-applicant has raised arbitrary bill. Also the disputed bill matter is pending

with IGRC, Nagpur Urban Circle (NUC). The case was filed in IGRC on dated 15.11.2010. Hence Shri Sunil Jacob requested to quash the disconnection notice.

3. The non-applicant has informed to the Forum that the bill raised is proper and as per meter reading. The applicant has defaulted in paying the outstanding amount, therefore disconnection notice was issued. The matter is pending with IGRC and a reply regarding this matter was already submitted to the Cell.
4. Heard both the parties and carefully gone through the documents on record. So far as notice of disconnection dated 15.11.2010 is concerned it is true that in the middle portion of the notice there is reference of electricity act 2003. However on the top of the notice it is specifically mentioned that it is the notice under Electricity Act 1910 section 24 (1). Needless to say that the Electricity Act 1910 is repealed and at present Electricity Act 2003 is in force. Therefore issuance of notice under section 24 (1) of electricity act 1910 is patently illegal. Therefore this disconnection notice dated 15.11.2010 is bad in law. Therefore there cannot be disconnection on the basis of such illegal notice.

Also the matter is pending with IGRC, NUC. In other words, the matter of disputed bill is yet to be resolved. Therefore it will not be proper to disconnect the supply for disputed bill when the matter is pending for grievance redressal.

5. On above grounds, the non-applicant is directed to finalize the grievance at IGRC level. However the applicant is free to approach Forum in case he will be not satisfied with IGRC's order as per regulation.
6. Therefore in the opinion of the Forum the applicant is entitled for interim relief. Hence Forum proceed to pass the following order.

ORDER

The grievance application is allowed and disposed of accordingly.

1. The disconnection notice dated 15.11.2010 issued by the non-applicant to the applicant is here by quashed.

Sd/-	Sd/-	Sd/-
(Smt K.K.Gharat)	(Smt.Gauri Chandrayan)	(ShriShivajirao S.Patil)
Member-Secretary	MEMBER	CHAIRMAN
CONSUMER GRIEVANCE REDRESSAL FORUM		
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's		
NAGPUR URBAN ZONE, NAGPUR.		