

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

---

**Case No. CGRF(NUZ)/054/2008**

- Applicant : The Commissioner of Police  
At 550, Police Quarter  
Police Head Quarter,  
NAGPUR represented by  
Shri Anil M. Athawale
- Non-applicant : MSEDCL represented by  
Superintending Engineer,  
NUC, MSEDCL,  
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.

**Interim ORDER (Passed on 22.10.2008)**

This grievance application has been filed on 21.10.2008  
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.

The applicant in this case has requested to quash the power disconnection notice issued by the non-applicant on 06.10.2008.

The matter was heard on 22.10.2008.

The applicant's contention is that they had applied for reduction of contract demand of 1500 KVA to 260 KVA on 21.03.2007. However, instead of giving sanction and effect to reduction of load in the second billing cycle, the non-applicant gave effect of reduction of load w.e.f. 09.10.2007 with the result that there has been violation of the MERC (Standards of Performance of Distribution Licensees and Determination of Compensation) Regulations, 2005, hereinafter referred-to-as the SOP Regulations and consequently, excess energy charges came to be billed. The Superintending Engineer MSEDCL NUC, Nagpur had informed the applicant that the energy charges inclusive of DPC and interest upto the billing month of August, 2008 amounting to Rs.23,24,850/- should be paid by the applicant within 15 days from 6<sup>th</sup> October, 2008 alongwith additional security deposit amounting to Rs.38,100/- failing which the applicant's power supply shall be disconnected. The notice dated 06.10.2008 has been issued by the non-applicant under Section 56 of the Electricity Act, 2003.

The applicant during hearing has shown his willingness to pay under protest amount of Rs.15,00,000/- immediately and requested that the applicant's power may not be disconnected pending disposal of the dispute already raised by him in this respect before the Internal Grievance Redressal Cell (in short the Cell).

There is no written submission filed on record by the non-applicant. The Superintending Engineer and Assistant Engineer representing the MSEDCL stated that the letter-cum-notice dated 06.10.2008 issued by the Superintending Engineer is correct and that the applicant is liable to pay total amount of Rs. 23,62,950/- inclusive of arrear amount of energy charges upto billing month of August 2008. The non-applicant admitted that dispute is already pending in this respect before the Cell under the said Regulations.

On the point of the applicant's submission that they are prepared to make payment of Rs.15,00,000/- under protest pending disposal of the dispute, the non-applicant stated that the Forum may pass appropriate order in this respect.

The main grievance of the applicant in this case is about the date with effect from which reduction of the applicant's load should have been sanctioned. The applicant has already filed grievance under the said Regulations in this respect before the Cell. The matter is pending before the Cell for decision. The applicant has shown his willingness earlier also to make payment of Rs. 15,00,000/- under protest pending the disposal of the dispute.

The non-applicant, when asked during hearing, admitted that the average monthly billing of the applicant is around 2.30 Lakhs per month. The period of dispute is of six months from April to October, 2007. Hence, the amount payable by the applicant in terms of clause (b) of proviso to Section 56 (1) of the Electricity Act, 2003 comes to Rs.13.80 Lakhs. The applicant is ready to pay under protest this amount of Rs. 15,00,000/- and as such he is fulfilling the requirement of the afore-said legal provision and consequently the non-applicant cannot disconnect

the applicant's power supply in the event of the applicant paying Rs.15,00,000/-.

It is not understood as to why the non-applicant refused to accept amount of Rs.15 Lakhs offered by the applicant.

Hence, this Forum directs that the applicant shall pay an amount of Rs.15,00,000/- to the non-applicant under protest pending the Cell's decision on merits to be given by it within the prescribed period of two months in terms of the said Regulations and the non-applicant shall not disconnect the applicant's power supply.

The applicant is permitted to make payment of Rs.15,00,000/- under protest on or before 24.10.2008 and the non-applicant in that case shall not disconnect the power supply.

The Cell is directed to dispose of the grievance pending before it on merits within the prescribed period of two months.

The non-applicant is free to issue a fresh notice after the Cell's decision in the event of the Cell deciding the matter in favour of the non-applicant. In that case, the applicant is also at liberty to come before this Forum under the said Regulations.

The power disconnection notice stands quashed.

Question of this Forum going into the merits of the case does not arise at this stage.

The grievance application for interim relief thus stands disposed off accordingly.

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

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