

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

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**Case No. CGRF(NUZ)/013/2015**

Applicant : Shri Arun R. Budhalani,  
Vaishnao Amrut, Shop No.2,,  
Ghole Bhavan, Medical Square,  
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 3.3.2015.**

1. The applicant filed present grievance application before this Forum on 06.01.2015 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Applicant's case in brief is that Non applicant disconnected electricity supply of the applicant on 8.12.2014 without any service of notice u/s 56(1) of Electricity Act 2003. Provisions of Section 171 of Electricity Act 2003 are not followed by the Licensee. Documentary proof about service of statutory notice is not produced before the Forum and therefore disconnection is illegal. Applicant is entitled for compensation as per SOP.

3. SNDL denied applicant's case by filing reply Dt. 17.1.2015. It is submitted that C.G.R.F. has dismissed grievance application of the applicant as per order dated 7.11.2014. Applicant did not pay arrears of electricity bill Rs. 81,616/-. Therefore notice u/s 56 (1) of Electricity Act 2003 was duly served on the applicant. Even then supply is disconnected on 8.12.2014. Learned I.G.R.C. rejected grievance application on the ground that notice was sent by post and therefore it is amounting to service. Applicant deposited Rs. 30000/- on 19.12.2014. Therefore supply is restored on 19.12.2014. Grievance application deserves to be dismissed.

4. Forum heard argument of non applicant and perused record.

5. It is an admitted fact that supply of the applicant was disconnected for non payment of electricity bill amounting to Rs. 81616/- on 8.12.2014. It is also admitted fact that applicant deposited Rs. 30000/- on 19.12.2014 and therefore supply is restored on 19.12.2014.

6. Therefore the important question to be decided is whether there was valid service of notice u/s 56 (1) of Electricity Act 2003 by Distribution Licensee on the applicant. We have carefully perused entire record. So far as proof of acknowledgement of the notice is concerned, M/s. SPANCO had produced one typed chart showing various consumer numbers and various names of consumers and amount due against them. In this chart there are serial numbers from 901 to 931 i.e. names of 31 consumers list. At Sr. No. 931, there is name and consumer number of the applicant being the last entry. There is no title to this entire chart to show who had prepared this chart, on what date and for which purpose. In the margin / column of this chart, there is one postal stamp. Section 171 of Electricity Act 2003 reads as under :-

*“171. Services of notices, orders or documents – (1) Every notice, order or document by or under this Act required, or authorized to be addressed to any person may be served on him by delivering the same after obtaining signed acknowledgement receipt therefor or by registered post or such means of delivery as may be prescribed –*

*(a) Where the Appropriate Government is the addressee, at the office of such officer as the Appropriate Government may prescribe in this behalf.*

*(b) Where the Appropriate Commission is the addressee, at the office of the appropriate commission;*

*(c) Where a company is the addressee, at the registered office of the company or, in the event of the registered office of the company not being in India, at the head office of the company in India;*

*(d) Where any other person is addressee, at the usual or last known place of abode or business of the person.*

(2) Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises (naming the premises), and it may be served by delivering it, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

7. It is pertinent to note that there is no acknowledgement of service of the notice on the applicant as required u/s 171 of Electricity Act 2003 and therefore we have no hesitation to hold that there was no service of the notice of disconnection on the applicant.

8. It is rather surprising to note that previous till 2005, there was some system of sending the document by “Under Certificate of Posting”, but that scheme is ended in the year 2005. Therefore there is no question of sending such type of notice by “Under Certificate of Posting”. If notice is

only posted in the letter box with intent to send it by simple post, sender can not get such type of stamp on the printed list. If notice is sent by RPAD, sender can get post receipt to show that particular notice is sent by RPAD. Non applicant even did not produce such receipt for sending the notice by RPAD nor the acknowledgement. Therefore under no circumstances, non applicant can get such type of stamp of postal authority on one printed list showing various names of the consumers. In our opinion, obtaining such type of postal stamp on the list of 31 consumers is nothing but a manipulated and fraudulent document. SNDL is hereby directed not to prepare such type of bogus documents in future. If they intend to send the notice of disconnection, they must follow provisions laid down u/s 171 of Electricity Act 2003.

9. For these reasons, we hold that supply of the applicant was illegally disconnected for the period 8.12.2014 to 19.12.2014 and hence applicant is entitled for compensation as per MERC SOP Regulations 2014. Hence following order :-

#### ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant shall pay compensation according to MERC SOP Regulations 2014 to the applicant for illegal disconnection without service of notice during the period 8.12.2014 to 19.12.2014.
- 3) 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