

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

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**Case No. CGRF(NUZ)/025/2015**

Applicant : M/s. Yashodhara Stone Crusher,  
Pachgaon, Umred Road,  
Nagpur : 440 010.

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

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

2) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 7.3.2015.**

1. The applicant filed present grievance application before this Forum on 28.01.2015 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 for the month of October 2014, applicant received electricity bill of Rs. 1,26,880/- On checking in the office of M.S.E.D.C.L. Umred, it was found that payment of the applicant for Rs. 24,610/- for previous month had not been taken into account. After accounting for the same, bill was corrected to Rs. 1,02,270/-. However, the bill is shown with debit bill adjustment of Rs. 79,181/- which could not be explained. Applicant wrote to Asstt. Engineer, Pachpaon on 2.12.2012 requesting him to provide the details of amount and requested him to allow

the applicant to pay current amount meanwhile. However, instead of this, power supply was disconnected on 5.12.2014 at 3.00 p.m. without any statutory notice. Applicant complained on 5.12.2014 on toll free number of M.S.E.D.C.L. for no power supply and high bill. However, power supply was not still restored. On 8.12.2014 applicant requested Superintending Engineer, Nagpur Rural Circle for solution. Matter was discussed with Executive Engineer, Division No. I, who was also present. After the discussions, applicant went to the office of Executive Engineer Division No. I, with letter dated 9.12.2014 requesting him to allow the applicant to pay current bill and restore the connection. Applicant also requested him to advise his officials to arrange to provide the details of debit bill and confirmed that if on examining it, if applicant finds that as per rules, amount of Rs. 79,181/- is payable by the applicant, applicant will pay the same within 15 days otherwise power supply of the applicant may be disconnected. The endorsement Dt. 10.12.2014 on the bill allowed the applicant for payment of Rs. 25,000/-. Payment was made on the same day. Demand of Rs. 200/- was also given to the applicant towards reconnection charges and same was also paid. Thereafter power supply was restored around 4.30 p.m. Till that day applicant did not receive any information regarding debit bill adjustment of Rs. 79,181/- from the office of Executive Engineer Division No. I, Nagpur Rural Circle, Nagpur. In fact, it was only found in the order passed by I.G.R.C. Dt. 21.1.2015. On 2.1.2015, power supply was again disconnected which has not been restored till date. Applicant lodged complaint to toll free number of M.S.E.D.C.L. but even after this, supply has not been restored.

3. Applicant filed application to I.G.R.C. on 16.12.2014 but it was rejected by I.G.R.C. holding that disconnection was due to nonpayment of bill raised on the basis of report filed by Flying Squad after visit to the premises on 18.6.2012, after which disconnection notice dated 5.7.2012 was issued and

duly served and therefore disconnection is proper and legal. On 27.1.2015, applicant received notice dated 24.1.2015 from M.S.E.D.C.L. that supply would be permanently disconnected if pending amount of Rs. 1,26,880/- is not paid within 15 days. Therefore applicant filed present grievance application and seek the relief to quash the bill of Rs. 65,954/- issued on the basis of Flying Squad report and also quash all debit entries of interest on account of the same, so also claimed compensation @ Rs. 50/- per hour for the entire period during which supply was cut off as per SOP, claimed refund of reconnection charges of Rs. 200/- and additional compensation of Rs. 20000/-.

4. Non applicant denied applicant's case by filing reply Dt. 6.2.2015. It is submitted that Flying Squad visited site of the applicant on 18.6.2012 and raised recovery of Rs. 79,181/- towards the slow recording of meter. As per Flying Squad testing, it was observed that it was 65% slow. On Dt. 5.7.2012, Asstt. Engineer, Umred has issued statutory notice u/s 56 (1) of Electricity Act 2003 to the consumer for payment of Rs. 65,954/- towards flying squad recovery vide letter dated 743 Dt. 5.7.2012 as disconnection notice, in which it is clearly mentioned that payment will be made within 7 days. The consumer failed to pay Flying Squad recovery amount of Rs. 65,954/- till September 2014, so the same amount along with DPC totaling to Rs. 79,181/- was raised in the energy bill of October 2014. But consumer still failed to pay the said amount. Upon non payment of Flying Squad recovery charges of Rs. 65,954/-, S.D.O. M.S.E.D.C.L. Umred has disconnected the supply on 5.12.2014, considering the disconnection notice served on 5.7.2012. The applicant has given application to M.S.E.D.C.L. office Dt. 9.12.2014 and demanded documents related to debit bill adjustment of Rs. 79,181/-. Further applicant had given specific admission in his letter No. Nil Dt. 9.12.2014 that "If as per rules, if the amount is payable by the applicant, applicant shall arrange to pay within 15 days otherwise supply may be

disconnected”. As per instruction of Higher Authorities, i.e. Superintending Engineer, Nagpur Rural Circle, Nagpur, current bill of Rs. 25,000/- on Dt. 10.12.2014 was collected from the applicant and supply of the industry was restored. Dy. Executive Engineer, Umred was compelled to disconnect the supply even though sufficient time was given to pay balance amount. As a result of the above, Dy. E.E. Umred has disconnected the supply Dt. 3.1.2015 and Dt. 24.1.2015, P.D. Notice issued to the applicant for payment of Rs. 1,26,880/- by Dy. E.E. Umred for 15 days clear notice.

5. I.G.R.C. had specifically mentioned in its order that disconnection is right, just and carried out as per rules. Consumer has to pay arrears amount. Upon payment of all dues including arrears, Dy. E.E. Umred is directed to restore the supply by observing rules and regulations. Grievance application deserves to be dismissed.

4. Forum heard arguments of Mr. Khandekar on behalf of applicant. On behalf of M.S.E.D.C.L., Shri Satyadev P. Dy. E.E. & Shri Kolte, Incharge Dy. E.E. argued the matter. It is noteworthy that Shri Pachpohe, Executive Engineer Division No. I & Nodal Officer was absent before the Forum.

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

6. We have carefully perused spot inspection report Dt. 18.6.2012 signed by Dy. E.E. Flying Squad M.S.E.D.C.L. Nagpur. In Column No. 16 of this inspection report, it is specifically mentioned “R&Y phase voltages were not available to the meter though all RYB phases were available to the system, due to which meter found 65 % slow, it was due to improper fixing of meter, screws were found loose. In para 17 of inspection report, remedial action is proposed – 1) Recovery charges as per slowness of the meter for past

period, 2) fixing of meter should be properly done & voltages and current should be checked after installation". After careful perusal of the record it appears that screws of the meter were found loose and those screws were made loose by consumer and hence prima facie in fact, it is a theft case. However, it is better known to in charge of Flying Squad as to why he had not assessed u/s 135 of Electricity Act 2003 and perhaps for the reasons best known to him. In fact applicant should be thankful to in charge of Flying Squad that though it was a theft case, the matter was manipulated and no report was lodged in Police Station nor filed any case u/s 135 of Electricity Act 2003. In the entire record, in charge of Flying Squad had nowhere mentioned whether it is assessment u/s 135 or u/s 126 of Electricity Act 2003 or whether it is a plain assessment. Prima-facie it appears to be manipulated for the reasons best known to the Author of the documents i.e. In charge of Flying Squad.

7. On careful perusal of record, it is crystal clear that connection of the applicant is disconnected on 5.12.2014 for non payment of arrears of Rs. 1,26,880/-. Amount of Rs. 79,181/- is raised as debit adjustment in applicant's bill in the month of October 2014 towards Flying Squad slow meter recovery. Flying Squad has visited to the site on 18.6.2012 and raised recovery of Rs. 79181/- towards slow recording of meter 65% slow.

8. It is pertinent to note that on 5.7.2012, A.E. Umred had issued notice to the consumer for payment of Rs. 65,954/- towards Flying Squad recovery vide letter No. 11-12/743 Dt. 5.7.2012 as disconnection notice and receipt of this disconnection notice is on record. We have carefully perused this disconnection notice Dt. 5.7.2012. At the bottom of this notice, it is specifically mentioned that signature of the applicant was obtained on this notice being the acknowledgement. At the bottom of this notice, notice is

duly signed by the applicant in English under the date 9.7.2012. Therefore it is clear that M.S.E.D.C.L. has issued statutory notice u/s 56 of Electricity Act 2003 on Dt. 5.7.2012 and notice was duly served on the applicant on 9.7.2012. Therefore disconnection notice is legal and valid. Date of visit of Flying Squad and raising recovery of Rs. 79181/- is Dt. 18.6.2012 and date of disconnection notice is 5.7.2012. Therefore disconnection notice is issued within 2 years within the meaning of Section 56 (2) of Electricity Act 2003. Therefore we find no force in the arguments of applicant's side that amount is barred by Section 56 (2) of Electricity Act 2003.

9. Furthermore, applicant consumer has given application to Executive Engineer (O&M) Division No. I, Nagpur on 9.12.2014, clearly mentioning therein to provide documents relating to debit bill adjustment of Rs. 79,181/- shown in the bill and further undertook that **"If as per rules, if the above amount is payable by applicant, applicant shall arrange to pay the same within 15 days of receipt of documents, otherwise supply may be disconnected"**. Therefore it is in fact clear cut acknowledgement by the applicant towards the dues of M.S.E.D.C.L. Furthermore, applicant filed application addressed to Executive Engineer Division No. I Dt. 9.12.2014 allowing him to pay current bill and to restore the connection and further assured to pay remaining amount failing which gave free consent to M.S.E.D.C.L. that in case of non payment his supply may be disconnected. Applicant even paid Rs. 25,000/- as per endorsement Dt. 10.12.2014 and reconnection charges Rs. 200/- and thereafter his supply was restored.

10. Considering all these aspects, in our opinion, disconnection is legal & proper. Disconnection notice Dt. 5.7.2012 was legally issued & it was in force.

11. Applicant consumer failed to pay Flying Squad recovery amount of Rs. 65,954/- in September 2014. So same amount along with DPC totaling to Rs. 79,181/- was raised in the energy bill of October 2014, but consumer still failed to pay the said amount.

12. Upon non payment of Flying Squad recovery amounting to Rs. 65,954/-, S.D.O. has disconnected supply on 5.12.2014, considering disconnection notice served on 5.7.2012. Statutory notice is in respect of the same amount, in the same matter, relating to same recovery and therefore it is still in force and it was legal and valid. Regarding Flying Squad recovery, Asstt. Engineer Umred Sub-Division was intimated by Circle Office as per letter dated 24.1.2014 and same was forwarded to the consumer by Asstt. Engineer, Umred. On the basis of entire material on record, this Forum Holds :-

- (1) That, Consumer was in arrears of Rs. 65,954/- towards Flying Squad inspection as slow meter recovery for which notice was already served to the consumer on Dt. 5.7.2012.
- (2) That, applicant consumer failed to pay the amount and there is no record towards the payment of Rs. 65,954/-. Therefore consumer is liable for disconnection of power supply due to non payment of amount as per the notice and therefore there is no need to give fresh notice again and again once more, as per sweet desire of the applicant. The above fact of receiving Flying Squad notice is not revealed by the applicant in his application, neither made any correspondence towards Flying Squad Assessment.

13. Applicant approached to the office of Executive Engineer Division No. I, requesting to allow to pay current bill. Accordingly, Executive Engineer Division No. I has given endorsement to collect current bill and to give necessary details. Accordingly, Asstt. Engineer Umred gave current bill of Rs. 25,000/- and remaining within 15 days, but consumer failed to pay within 15 days and specifically undertook that if he failed to pay within 15 days, his supply may be disconnected. This was given by the applicant in writing knowingly and without any compulsion as per his free desire. Therefore this undertaking is binding upon applicant legally. Therefore Dy. E.E. Umred is compelled to disconnect the supply though he had given sufficient time to pay the balance amount. As a result of the above, Dy. E.E. Umred had disconnected supply on 2.1.2015 considering the notice Dt. 5.7.2012 is legal and valid. Therefore we hold that –

- (1) Disconnection by M.S.E.D.C.L. is right, just, proper and legal and it is carried out as per rules,
- (2) Consumer has to pay arrears amount.
- (3) Upon payment of dues including arrears, Dy. E.E. Umred shall reconnect the supply by observing rules & regulations.

14. Representative of the applicant filed additional submissions Dt. 9.2.2015 to the effect that applicant paid outstanding amount of Rs. 1,17,310/- as per bill of December 2014 on 30.1.2015 under protest. Applicant also paid reconnection charges of Rs. 200/- on the same day. Power supply of the applicant which was cut off on 2.1.2015 was restored on 30.1.2015 after this payment. Therefore applicant claimed to refund reconnection charges & claimed compensation as per S.O.P.



15. We do not agree with this additional submission of Learned Representative of the applicant. As we have already pointed out, valid statutory disconnection notice Dt. 5.7.2012 was duly served on the applicant and therefore disconnection was legal & proper. Applicant can not claim fresh notice again and again at every moment, for making part payment of the same amount. We have already held that disconnection notice Dt. 5.7.2012 was duly served on the applicant, even then there was non payment and hence disconnection was legal & proper. Therefore there was no negligence or delay on the part of M.S.E.D.C.L. and hence there is no question of granting any compensation. In fact, applicant should have paid this amount long back after service of statutory notice Dt. 5.7.2012. Record shows that M.S.E.D.C.L. has correctly calculated the amount and hence entire recovery is correct, legal & proper.

16. For these reasons, we find no substance in grievance application and it deserves to be dismissed.

17. Order passed by Learned I.G.R.C. is legal & proper and therefore needs no interference. Hence Forum proceeds to pass following order :-

#### ORDER

- 1) Grievance application is dismissed.

Sd/-  
(Anil Shrivastava)  
MEMBER/  
SECRETARY

Sd/-  
(Shivajirao S.Patil)  
CHAIRMAN