

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

Case No. CGRF(NUZ)/034/2015

Applicant : Shri Ramraoji P. Buradkar,
Resident of Digdoh (Pande),
Post Deoli (Kalbande),
Taluka Hingna, District
Nagpur.

Non-applicant : Nodal Officer,
The Executive Engineer,
Division No. II, N.R.C.,
MSEDCL,
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 18.2.2015 under Regulation 6.5 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 in November 2014, consumption is shown 3551 units. This bill is excessive. Therefore bill may be revised.

3. M.S.E.D.C.L. issued bill of 3551 units for November 2014 for Rs. 11,700/-. For non payment of this amount, M.S.E.D.C.L. has disconnected the supply without statutory notice. This disconnection is illegal. Therefore

applicant also claimed interim relief under regulation 8.3 of the said regulations.

4. Non applicant denied applicant's case by filing reply Dt. 24.2.2015. It is submitted that since 2010, there was no meter reading and therefore bill of '0' unit per month was issued to the applicant till October 2012. When this fact was noticed said meter was replaced in October 2012 and new meter is installed. Unfortunately, again there was no meter reading and average bill of 50 units per month was issued to the applicant till October 2014. In November 2014 meter was replaced. At that time, there was reading of 3466 units and it was the consumption for the period October 2012 to November 2014. Therefore it is clear that during the period October 2012 to November 2014, applicant had consumed 3465 units and thereafter new meter is installed. Reading of this meter was 165 units. As per meter reading, it appears that average consumption of the applicant was 100 units per month. Slab benefit of 28 months is already given to the applicant. No D.P.C. and interest is applied. Applicant did not pay arrears for 3 months and therefore supply was disconnected on 16.2.2015. As per Interim Order by this Forum, supply is restored on 20.2.2015. Grievance application be dismissed.

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

6. It is a matter of record that this Forum had passed interim order dated 20.2.2015 and directed M.S.E.D.C.L. to restore the supply forthwith. Accordingly supply is restored on 20.2.2015.

7. C.P.L. shows that since January 2010, consumption is shown '0' units for 34 months. For the first time in November 2014, bill is issued for 3551 units for 28 months. There was RNT status for 28 months. In

November 2014, bill for 3551 units for 28 months was issued. In this bill 3465 units of old meter consumption + consumption of new meter was calculated.

8. Record shown that for a period of 4 years i.e. January 2010, there was collusion between meter reader and applicant till October 2014. It is a great surprise that though applicant was utilizing electricity for 4 years and though his consumption was '0', he was silent. He never applied to M.S.E.D.C.L. that he is receiving bill of '0' consumption for 4 years. He utilized electricity energy completely free of cost for 4 years. The only conclusion which can be drawn from these circumstances is that there must have been collusion between the applicant and meter reader. For the first time, perhaps, meter reader must have been changed and applicant could not manage him. Therefore entire accumulated consumption was noted down on paper. Therefore applicant is also equally responsible for this designly defective procedure. Consumption was accumulated in the meter. It means that much energy was exhausted by the applicant during a period of 4 years. It is true that applicant required to pay larger amount at once. However, M.S.E.D.C.L. had already given slab benefit in November 2014 amounting to Rs. 5098.73. Therefore no much relief can be granted to the applicant. Therefore bill can not be revised.

9. However, we must mention here that according to record, supply of the applicant was disconnected without service of statutory notice u/s 56 of Electricity Act 2003 on 16.2.2015. Officers of M.S.E.D.C.L. shall bear in mind that whenever they intend to disconnect the supply, it is necessary for them to issue statutory notice u/s 56 of Electricity Act 2003. But in this case no such notice was given and supply was disconnected on 16.2.2015. Supply was restored on 20.2.2015. Therefore there was illegal disconnection during this period 16.2.2015 to 20.2.2015 and

applicant is entitled for compensation according to MERC SOP Regulations 2014, for this period.

10. We must mention here that now specific amount is due and outstanding against the applicant. If applicant fails to pay this amount and in such circumstances if officers of M.S.E.D.C.L. intend to disconnect the supply for non payment of amount, they are at liberty to issue fresh notice u/s 56 of Electricity Act 2003, calling upon the applicant to pay outstanding dues within 15 days failing which supply shall be disconnected. Such notice shall be sent by RPAD. In spite of service of such notice if applicant fails to pay outstanding amount, then M.S.E.D.C.L. is at liberty to disconnect the supply in accordance with law, rules & regulations for non payment of amount if any. Hence following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Claim to revise the bill is hereby rejected.
- 3) However, M.S.E.D.C.L. shall pay compensation for illegal disconnection for the period 16.2.2015 to the applicant according to the provisions of MERC Supply Code Regulations 2014.
- 4) Applicant is directed to pay outstanding dues. If he fails to do so, M.S.E.D.C.L. is at liberty to take action according to section 56 of Electricity Act 2003.
- 5) Compliance should be reported within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER/
SECRETARY

Sd/-
(Shivajirao S.Patil)
CHAIRMAN