

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

Case No. CGRF(NZ)/34/2018

Applicant : Shri Sahid Khan Abdul Gaffar Khan,
2268/1233, Arvind Nagar,
Kamptee Road,
Nagpur-440026.

Non-applicant : Nodal Officer,
The Superintending Engineer
(D/F), NUC, M.S.E.D.C.L.,
Nagpur.

Applicant represented by : 1) Shri Sunil Jacob,

Non-applicant represented by: 1) Smt. Megha Amrute, Dy.Exe.Engineer,
2) Shri Dahasahastra, SNDL. Nagpur.

Quorum Present : 1) Shri Vishnu S. Bute,
Chairman.
2) Shri N.V.Bansod,
Member
3) Mrs. V.N.Parihar,
Member Secretary

ORDER PASSED ON 06.06.2018

The applicant presented this application feeling aggrieved by the order passed by the IGRC SNDL Nagpur in Case No. 69/2018 on 28-02-2018. The applicant was having an industrial connection. The respondent disconnected it, in June 2017 for non payment of energy bill by the applicant. The IGRC dismissed the request of the applicant. Hence this grievance under Regulation 6.4 of the MERC (CGRF & EO) Regulation 2006.

The respondent submitted reply. The case was fixed for hearing on 05.06.18. Shri Sunil Jacob, a representative and the applicant himself was present. Smt. Megha Amrute Exe. Engineer and Shri Dahasahastra were present for the respondent. Both the parties were heard.

Shri Jacob argued that the applicant was running a fabrication shop. Till the supply was from MSEDCL the applicant used to get the bills properly. When the SNDL took over the supply the applicant used to get wrong and excessive bills. So he remained in arrears. The respondent took away the cable from the pole to the factory when the factory was closed. It is true that the applicant is in arrears of the electricity bills. However he may be allowed to deposit the amount in 4 to 5 instalments. The amount of interest and the DPC may be quashed.

The applicant may be given the details of the bills and DPC, Rs.20,000/- may be awarded as compensation for harassment of the applicant.

Shri Dahasahastra replied that the applicant was having the connection bearing consumer no. 410017002833. The connection was for industrial purpose. The applicant was in arrears of Rs.1.08 lakhs, so the supply was disconnects in June 2017. The cable from the pole to his shop was removed.

The applicant was given a connection on 14.08.2008. The applicant had not made any complaint about the bill or the meter any way. He stopped paying the regular electricity bills from Feb. 2011. As on today he is in arrears of Rs.1,11,230/-.

The applicant gave cheques of Rs.18000/-, Rs.16000/-, Rs.10,000/-, Rs.45,000/-. However those were dishonoured by the Banks as there was no sufficient balance in the account.

A disconnection notice was sent to him on 31.10.15. However he refused to accept. So the notice was served upon him by affixing the notice on his door.

The supply of the applicant was disconnected in June 17. Since the factory of the applicant is locked the respondent could not remove the meter. So the bills are being issued. However the respondent will withdraw the bills from June 17 onwards as soon the meter is removed.

Unless the applicant pay the arrears amount it is not possible to reconnect his power supply. The application may be dismissed.

After the hearing was over the case was discussed among the members of the Forum. The Chairman and the Member Secretary were of the opinion that the application needs to dismissed. However the Member (CPO) expressed different view. A dissenting note given by Ld. Member reads as under,

Arguments heard by 05.06.2018 and perused all the papers on record.

(1) The applicant is consumer of non applicant having consumer No. 41017002833 since 14.08.2008 for industrial purpose. The grievance is regarding disconnection of supply by removing the service cable in the month of June 2017 due to outstanding dues of Rs.1.08 lakhs, Applicant alleged that disconnection is without giving him disconnection notice and requested for reconnection of supply and compensation of Rs.20000/- for harassment and cancel the interest etc. and action of removal of cable is illegal.

(2) Non applicant said that applicant has stopped paying regular bills since Feb. 2011 and as on to day the outstanding dues are Rs.111230/- & for same supply is disconnected.

(3) The point for my consideration are –

(A) Whether the disconnection of supply in June 2017 is as per Section 56 & 171 of the electricity Act 2003 ? - No

Non applicant in reply stated that since Feb. 2011, Applicant has stopped, Paying regular bills. On perusal of CPL, Applicant deposited Rs.18000/- on 28.02.2011, Rs.15000/- on 21.12.2011, Rs.10000/- on 13.02.2012, Rs.7100/- on 01.03.12 Rs.30000/- on 30.10.2012 Rs.14310/- on 19.02.2013, Rs.40000/- on 02.04.2014 Rs.17,000/- on 19.10.2014 and submission of non applicant is far away from truth and just to creat atmosphere against applicant.

It is an admitted fact that cheques of Rs.18000/-,Rs.16000/-,Rs.10000/- ,Rs.45000/- were bounced due to insufficient fund on 07.06.2014, 29.11.2014,19.12.2014,30.04.2016 respectively. From the above dates of bouncing of cheques, it can be very well inferred that the post dated cheques were obtained from applicant under compulsion or threat of disconnection which is illegal action on part of non applicant.

Secondly the suspicion came, assuming the facts are true, then why the non applicant failed to take action against Applicant, U/S 135 of the Negotiable Instrument act and last cheque was lodged 30.04.2016 after 19.12.2014. i.e. after 16 months. Non applicant alleged bouncing of cheques but the cogent evidence of actual or original cheques are not before us for scrutiny to detect its reliability. Hence, without cogent evidence, this submission of non applicant does not stand to Judicial Scrutiny and deserves to be unreliable and untrustworthy..

Non applicant said that, disconnection notice dated 31-10-2015 was sent and applicant refused to accept the notice and hence displayed on his premises and disconnected supply in June 2017.

It is necessary to refer section 171 of the Electricity Act 2003 i.e. services of Notices, order or documents.

(1) Every notice, order or documents by or under this Act required, of authorized to be addressed to any person may be served on him by delivering the same after obtaining signed acknowledgment receipt there of or by registered post of such means of delivery as may be prescribed.

Hence so-called notice dated 31.10.2015 is without acknowledgement and proves to be fictitious which is against section 171 of the .E.A. 2003. Secondly the contention of non applicant that they have displayed on the premises but failed to note the date of display as well as names of person or panch present during display. Hence submission of non applicant on this point is also without cogent evidence deserves to be discarded.

Thirdly after notice dated 31-10-2015 why supply was not disconnected immediately and why it was disconnected in June 2017 without giving notice duly acknowledged. Hence entire modus-operandi is fictitious deserves to be discarded as illegal.

It is pertinent to note that as per Cir. No. Ref. No. P.Com/accts/19029 dated 6-7-2013, it was obligatory on part of non applicant to adjust his security deposit of Rs.2500/- to the P.D. arrears but till date it is lying unadjusted which shows the fictitious way of working of the non applicant.

In view of the above observations, the disconnection of supply is illegal and applicant is entitled to SOP compensation as per "Appendix A" clause 2 (Restoration of supply) (i) Fuse of Call – From June 2017 to date of restoration of supply @ Rs.50/- per hour or part thereof delay and same shall be credited to his A/c. under intimation to Applicant and IGRC order is without appreciation of facts & The Section 56 2 171 of the E.A. 2003. The other prayer of applicant does not deserve any consideration as applicant was irregular in payments.

Hence this application deserves to be allowed.

ORDER

1. Non applicant is directed to pay SOP compensation for illegal disconnection as per "Appendix A" 2(i) from June 2017 till date of restoration of supply @ Rs.50/- per hour of part thereof and credit the same in bill in next billing cycle.
2. The compliance of this order shall be done within 30 days from the date of this order.
3. The order of IGRC is quashed & set aside.

**Naresh Bansod
Member (CPO)**

We have perused the note. The member mainly discussed about the procedure which should have been followed by the respondent before disconnection.

However it is seen from the CPL that the applicant was not paying the regular bills from Feb. 2011. The cheques given by the applicant were dishonoured by the Banks. The respondent disconnected in June 2017. We are of the opinion that the respondent gave sufficient time to the applicant to pay the bills. we disagree with the Member.

We have perused the record. First plea of the applicant is that the bills given to him were wrong and excessive. However there is nothing on record supporting the contention of the applicant.

The respondent gave a copy of the CPL of the applicant. It is seen there from that the applicant was not regular in payment. The cheques given by him were dishonoured. The respondent gave sufficient time to the applicant to pay the arrears. In view of the above, we are of the considered opinion that the application is devoid of merit. Hence it needs to be dismissed.

So we pass the following order by majority.

ORDER

1. Application no. 34/2018 is dismissed.
2. Order passed by the IGRC – SNDL Nagpur in Case No. 69/2018 on 28.02.2018 is confirmed.

Sd/-
N.V. Bansod
MEMBER
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Sd/-
Mrs. V.N.Parihar
MEMBER SECRETARY

Sd/-
Vishnu S. Bute,
Chairman
Case No.34/2018