

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

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**Case No. CGRF(NZ)/67/2019**

Applicant : Shri Vikas Wanjari,  
User – Shri Sunil Jacob,  
Shop No. F/3, Ward No.21, Girad Road,  
Itwaripeth, Umred, Dist. - Nagpur.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
Umred Dn., M.S.E.D.C.L.,  
Umred.

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Applicant represented by : Shri Sunil Jacob.

Non-applicant represented by: 1) Shri Ram S. Parhadkar,  
Dy.Exe.Engr. MSEDCL, Umred.

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Quorum Present : 1) Shri Arvind Jayram Rohee,  
Chairperson.  
2) Mrs. V.N.Parihar,  
Member Secretary  
3) Mrs. Asmita Avinash Prabhune,  
Member(CPO)

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**ORDER PASSED ON 31.07.2019**

1. The Applicant approached this Forum under Clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations 2006, aggrieved by the order dated 14.06.2019 passed by Internal Grievances Redressal Cell (IGRC), MSEDCL, Nagpur Rural Circle, by which his claim for

compensation for alleged illegal disconnection of electric supply to his Shop located at Umred, District Nagpur bearing Consumer No. 414810153759 is rejected.

2. It is alleged that without issuing statutory notice under Section 56 (1) of the Electricity Act, 2003 informing him about arrears of electricity bill and in the event of its non-payment regarding disconnection, the supply is illegally disconnected, without giving opportunity to the applicant to pay arrears. The Applicant's grievance is that he received the electric bill of Rs. 1,890/- the due date of which was 23.03.2019. However, before the last date the Applicant's supply was disconnected on 18.03.2019. According to Applicant this is illegal, in view of Section 56(1) of the Electricity Act, 2003. He, therefore, seeks compensation of Rs. 20,000/- for causing mental, physical and financial loss to him as per clause 12 of MERC (Standard of performance) Regulations 2014.

3. The applicant initially approached I. G. R. C. for necessary relief of restoration of electric supply. However, by order dated 14.06.2019 the grievance application is rejected as stated earlier holding that the Applicant was in arrears of Rs. 1,207/- and current bill of Rs. 670/- in all Rs.1877/- (with late fee Rs.1890/-) and hence although due date was 22.03.2019 the supply was disconnected against non-payment of arrears. It is also stated that message on his registered mobile phone

was sent to the Applicant to pay the arrears and else face the consequence of disconnection. Dissatisfied with the aforesaid order, the Applicant approached this Forum.

4. On notice the Non-applicant filed reply dated 18.07.2019 clarifying that since the Applicant was in arrears, a notice was served on him through digital media, in pursuance of the order dated 12.09.2018 passed by MERC in Case No. 195/2017 permitting adoption of digital media as the mode of communication of notice in place of sending it by ordinary mode by post or hand delivery. The action is, therefore, justified since it is as per procedure laid down in MERC Electricity Supply Code.
5. The applicant is represented by Shri Sunil Jacob, whereas the Non-applicant by Shri R.S. Paradkar, Deputy Executive Engineer, Umred Division when the matter was called out for final hearing on 30.07.2019. We have heard the Parties in depth and also carefully perused the case record.
6. During the course of hearing it was transpired that the Applicant did not dispute the fact that he was in arrears of Rs. 1,207/- when the current bill dated 13.03.2019 was issued for Rs. 1,880/- inclusive of these arrears. Admittedly the due date was 27.03.2019 and thereafter payment with penalty to the extent as per bill produced by applicant

Rs. 1,890/- was levied. It is obvious from record that about the arrears of Rs. 1,207/- the Applicant was already informed by sending a message on his registered mobile on 27.02.2019 to pay the same. The applicant did not appear in person before this forum to dispute this fact. Although contents of the copy of the e-message sent to applicant is not produced on record, it is stated that a general notice is issued by giving Consumer Number and bill amount and due date, with warning to pay the arrears within 15 days to avoid disconnection. The Non-applicant expressed inability to produce the copy of e-message sent to applicant. However, on our instructions he produced the common draft of the e-message concerning some other consumer sent recently which reads as under:

“MSEDCL Energy Bill for Cons. No. 427670097076/0561 of Rs.230 was due on 01-FEB-19. Pay within 15 days to avoid disconnection. Ignore, if paid. Treat this as notice u/s 56 of EA2003 MSEDCL.”

7. During the course of arguments, it was transpired that before expiry of due date 27.03.2019, electric supply was disconnected on 18.03.2019. Since the notice for payment of previous arrears was already issued which is included in the bill of subsequent month, and notice period of 15 days expired on 16.03.2019. the disconnection of electric supply after

16.03.2019 was justified, although before the due date of the bill dated 13.03.2019 which was generated in due course mentioning previous arrears. It can safely be said that the Applicant was well aware about the arrears as well as current bill and also the e-message. As such he should have taken prompt steps to credit the entire amount before due date 27.03.2019 without waiting till then. In such circumstances of the case, the Forum is of the considered view that Non-applicant was justified in effecting disconnection of the supply on expiry of 15 days of notice/e-message on 18.03.2019.

8. The Applicant further stated that the Non-applicant had restored the supply on 22.03.2019 even before the Applicant made payment of entire arrears and current bill, which he made on 25.03.2019. This was perhaps done by the Non-applicant considering the fact that the due date of current bill was 27.03.2019 and disconnection was made prior to it on 18.03.2019, in order to avoid technicalities. However, as stated earlier the action of disconnection can't be said to be illegal or in contravention of the rules, especially when the Applicant subsequently made payment of arrears and current bill on 25.03.2019. This being so nothing survives in this grievance application and there is no question of grant of any compensation to the Applicant for the alleged illegal disconnection, since he himself was in arrears of Rs.1207/- and

he was aware about it.

- 9 In the result, The grievance petition is, dismissed, however without there being any order as to payment of costs of this proceeding. Copy of this order be issued to the parties.

Sd/- <b>(Mrs. Asmita A. Prabhune)</b> MEMBER(CPO)	Sd/- <b>(Mrs. V.N.Parihar)</b> MEMBER SECRETARY	Sd/- <b>(Arvind J. Rohee)</b> CHAIRPERSON
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