

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No. 25/2019

Date of Grievance: 12.04.2019

Hearing Date : 23.05.2019

10.06.2019

Date of Order : 31.07.2019

In the matter of illegal disconnection and grant of SOP & compensation.

Mrs. Padma Narendra Hambir, ---- APPELLANT

B, 30/2, Lower Indiranagar,

Pune - 411037.

(Consumer No. 170014239653)

VS

The Executive Engineer, ---- RESPONDENT

M.S.E.D.C.Ltd.,

Padmavati Division,

Pune - 411037.

Present during the hearing:-

A] - On behalf of CGRF, Pune Zone, Pune.

- 1) Shri. A.P. Bhavathankar, Chairman, CGRF,PZ, Pune
- 2) Mrs. B.S. Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr. Anil Joshi, Member, CGRF, PZ. Pune.

B] - On behalf of Appellant

- 1) Mr. Narendra J.Hambir, Representative

C] - On behalf of Respondent

- 1) Mr.S.J.Patil, Dy.Manager (F&A)
- 2) Mr.V.P.Sawant, A.E. Chavannagar Section

Tariff LT-I /LT Residential, single phase, connecting load 2 KW, date of connection 13.05.2015.

The complaint about illegal disconnection and grant of SOP for amount of Rs.5000/- towards SOP alongwith other charges & Rs.20,000/- for

mental harassment compensation. The above named consumer was received bill in the month of 15.10.2018 for amounting to Rs.1000/- payable on 05.11.2018. Thereafter the consumer did not deposit the said bill within prescribed time limit, therefore official of the Respondent Utility visited the premises for this disconnection of supply for nonpayment of bill. The consumer was made complaint on 17.11.2018 alleging that official of the Respondent Utility employee Shri. Thakare visited the premises and ask him to deposit the bill but without any intimation or notice under Section 56 (2) of Indian Electricity Act without hearing the request of consumer they disconnected the supply. Thereafter consumer made complaint by making application to the Addl. Ex.Engineer, Marketyard Sub/dn. claimed about illegal disconnection after making this complaint according to consumer no response is received.

Therefore he was approached to IGRC and filed complaint against the Utility alleging that without giving any notice under Section 56 (2) , the Utility official Amit Thakare forcefully ask him to deposit the bill of Rs.1000/- and even thereafter he disconnected the supply. According to the consumer his supply was disconnected without any intimation. The consumer was claimed for breach of SOP amount Rs.5000/- and Rs.20,000/- for mental harassment, after filing this complaint in form No. X. The IGRC has issued notice to the consumer and the Respondent Utility on 21.2.2019 and gave direction to remain present on 25.2.2019 at 3 pm at the office of the IGRC. But both of them i.e. consumer and Respondent Utility remain absent. Hence the IGRC had proceeded to filed complaint in the record as both the parties remains absent. The intimation was given vide his letter dated 01.03.2019 informing about the decision order.

Being aggrieved by the said order of IGRC present consumer approached to the CGRF Forum and filed his complaint in Form No. - X on 12.04.2019. The consumer has claimed Rs.20,000/- compensation for mental harassment and Rs.5,000/- for SOP alongwith cost of litigation charges. The consumer has attached copy of light bill dated 15.10.2018, copy of complaint 17.11.2018, copy of complaint in the IGRC submitted and IGRC Order dated

01.03.2019 and copy of notice dated 21.2.2019 and detail of SMS sent to Utility by him on dtd. 17.11.2018.

After filing the said grievance the office issued the notice to the Respondent Utility for filing the reply on or before 26.04.2019. Thereafter the Respondent Utility has filed the reply on 03.05.2019. The Respondent Utility submitted that the present consumer made complaint on 17.11.2018 for illegal disconnection of supply, SOP & compensation. According to Utility the consumer did not paid the bill against the bill received for the period April-2018 to Oct.-2018 for 8 months and last payment made in the month of March-2018. Therefore disconnection list is received from Head Office, Bandra mentioned that, the name of consumer which is liable for disconnection for nonpayment of bill for more than 6 months period as per order and the intimation was given by Head Office through SMS to the respective consumer about disconnection notice and thereafter after completion of 1 month the actual action of disconnection was taken. The copy of the said SMS was demanded from Head Office but it was not received till the action for disconnection is taken on 17.11.2018 after giving notice through SMS and the name of consumer was mentioned in the disconnection list. The Respondent Utility prays for the dismissal of the said case alongwith the said cost. The Respondent Utility were attached the copy of disconnection list, copy of CPL, copy of payment description schedule and copy of deposit of bill by the consumer on 17.11.2018 at exactly given hours (timing). According to the Utility, the consumer was already made the complaint as he was already received the compensation in earlier case from Utility. On this background, it seems that consumer is in habitual for nonpayment of bill for considerable long period. Therefore disconnection of the consumer was proper as per the order of list received from Head Office. The consumer complaint liable to be dismissed with cost.

After perusing the rival contention of consumer and the Respondent Utility following points arose for my consideration to which I have recorded my finding to the points for the reason given below:-

1. Whether consumer is entitled for compensation for breach of SOP for alleged disconnection dtd. 17.11.2018 & mental harassment compensation?
2. Whether consumer entitled for any relief?
3. What order?

Reasoning :-

On dated 10.6.2019 I have given an opportunity to the consumer appeared before the Forum as well as representative of the Utility. Both the parties were present at the time of hearing so far as dispute of the consumer it appears from the record. The consumer is in habit of nonpayment of bill monthly as agreed when the connection was taken for residential purpose by him. The record shows that since March-2018 to till Nov.2018. The consumer was not paid any energy bill and nor deposited any amount against the bill for consumption of electricity supply received to this office for residential premises. Considering the case of consumer he received the current energy bill alongwith arrears for the period March-2018 to Oct. 2018 for payment in the month of Nov.2018 and due date was payable on 05.11.2018 but till date upto the disconnection on 17.11.2018. The consumer was not paid the said energy bill. When the authorized representative of the Utility approached to him for disconnection of supply as per list received for disconnection from Head Office. The Respondent Utility relied on the list received from Head Office, copy of the said list produce before me was perused. The amount shows outstanding since March-2018 payable amounting to Rs.1009/- which was not paid by the consumer.

The said action of disconnection was initiated as consumer failed to pay the bill till 17.11.2018. At the date of alleged incidence of disconnection of the consumer made allegation that, he deposited the amount of Rs.1460/- even then his supply was disconnected without giving any notice. And on this ground, the Utility submitted that the list of disconnection and the demand bill which was issued on 15.10.2018 payable on 05.11.2018 was already received to the consumer but he failed to pay the said bill and at the time of hearing the consumer was made allegation that he deposited the said

bill even then his supply was disconnected without any intimation. I have instructed to both the parties that the proper submission shall be made for the record of payment made on the day of 17.11.2018. The copy of the payment of the bill and the entry made in computerized data produced by the Utility it appears that the consumer deposited the said bill after the action of disconnection was taken at time of deposit shown on 17.11.2018 at 1.26.53 p.m. The question arises in the mind that, why the consumer is waiting for payment of bills upto the disconnection date. And after disconnection made on 17.11.2018, the consumer made allegation on the Respondent Utility that, the payment was made on 17.11.2018 before the disconnection but even though the disconnection was made by the Utility. The consumers action is totally wrong as he was stated in the letter dated on 02.01.2019 are as follows:

"लाईट बील भरुन पावती देतो असे सांगून ही कलम ५६ ची नोटीस न बजवता वीजपुरवठा खंडीत केला आहे. "

On this documentary evidence he himself proved that, the Respondent Utility was made the disconnection and thereafter consumer was made payment and its receipt shall be shown thereafter. The nature and conduct of consumer shows that it is always habitual for intentionally delay for nonpayment of electricity bills so that he will be demanding for SOP and compensation on this background always and again he himself proved vide his letter dated 21.6.2019.

The record indicates that reconnection was made immediately after few hours from the deposit of the said bill. As such there is no cause of action to claim breach of SOP for illegal disconnection so far as record and hearing made by Utility as the name of the defaulter list received from Head Office where the name at Sr.No.987, name of consumer against arrears of bill amount shown as Rs.1009/- which was admittedly and not paid by the consumer. Hence action taken of disconnection cannot be held at illegal.

The intimation of disconnection already received to the consumer when request is made by official of the Utility before disconnection take place but consumer was in adamant attitude that not to deposit the bill in proper

time and considerably is in habit of making default in every period within year. Therefore no cause of action arose to claim compensation under SOP. In these circumstances as consumer failed to make any cause of action properly to make him entitled for receiving compensation for breach of SOP or otherwise. I do not find any force in the complaint of consumer hence I am not inclined to grant any relief to defaulter consumer who intentionally failed to deposit the bill regularly in the month. Hence consumer complaint liable to be dismissed with cost.

I agree,

Sd/-
B.S.Savant
 Member/Secretary
 CGRF:PZ:PUNE

Sd/-
 Anil Bhavthankar
 Chairperson
 CGRF:PZ:PUNE

Member (Anil Joshi, CPO)

I am of the considered view that it is conclusively established as under –

- a) the act of disconnection resorted to by the Utility on **17.11.2018** was in gross violation leading to failure on the part of the Utility to observe and follow the mandatory and statutory compliance under **Section 56** of the Electricity Act, as also **Regulations 15.2.5 of the Supply Code** referred to herein before,
- b) The Respondent Utility had failed to resolve the Bill-related issues of the aggrieved Appellant within the given period – i.e. before next billing cycle, as provided in **item No 6 (ii) (ii)**, dealing with complaints on Consumer Bills, as provided in Appendix – A to the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) **Regulations, 2014**,
- c) Following (b) above, the Respondent Utility is obliged to pay compensation to the aggrieved Appellant under the provisions of SOP @ Rs.100/- per week or part thereof from the date of the disputed bill till final resolution of the said dispute.

4. I humbly and earnestly request the Forum to kindly consider my viewpoints before passing the final orders on the Appeal of Mrs. Padma Hambir to ensure that both the ends of the justice are met.
5. Submitted for judicious consideration and decision.

Sd/-
Anil Joshi
Member
CGRF:PZ: PUNE

I have perused the objections raised by the Member Shri. Anil Joshi, he differ the observation made by this Forum on the ground as mentioned: according to member the action of disconnection dtd. 17.11.2018 was gave violation of Rules and Regulations 56 (2). Therefore consume is entitled of compensation as per Regulation No. 15.2.5. This aspect is again verified by the documents supplied by Utility. The letter dtd. 21.6.2019 it is informed by Utility that list of disconnection received from Head Office. Consumer not deposited bill though demanded since April-2018 to Oct.2018 and therefore his name was shown as defaulter as per direction name mentioned in the disconnection list, his supply was disconnected on 17.11.2018.

It is pertaining to note that though the consumer challenges the action of disconnection after he deposited the bill which was again verified from the extract of payment register supply by Utility. The said deposit of arrears of bill amount 1010/- entry shown by cash after the action of disconnection taken place. The objection further raised entitlement of consumer to grant of SOP as per Regulation No. 15.2.5. The SOP Regulation modification order received from MERC clarification. The status of grant of SOP should have been time span of 48 hours between connection and disconnection and reconnection of supply. It is pertaining to know that in this case, the supply was disconnected with due intimation of consumer which he agreed in the

letter given to Utility by himself and then his supply was restored as per report given by Utility on 21.6.2019 i.e. his supply was restored immediately within 2 hours for grant of SOP compensation no sufficient time remain supply disconnected on the field of consumer premises. Itself no ground for grant of any compensation for breach of SOP. Therefore objection raised by Member is absolutely illegal and not tenable. Irregularities objected by Member I feel in this aspect though necessary to make comment on the conduct of IGRC prior to deciding the issue before this Forum. As no grievance is made by consumer. I do not wish to pass any comment for the order passed by IGRC and objection is taken by Member. Hence I do not found any ground to review the order makes consumer entitled for any compensation as no span beyond 2 hrs. remain day time the entitled consumer to grant compensation. Consumer was well informed in advance of action of disconnection of supply as he agreed mayor non giving notice of 15 days clear does not adversely effect on the rights of consumer. Hence objection of consumer raised found not tenable, therefore I come to conclusion in this case consumer not feet and proper circumstances to grant compensation for breach of SOP 15.2.3.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to submission of both the parties made during the instructions given at the time of hearing by the Forum.

Hence I proceed to pass following order:

ORDER

1. Consumer Complaint of Case No.25 of 2019 stands dismissed.
2. The Licensee is directed to report the compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 31st July - 2019.

Note:-

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E), Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / ~~Disagree~~

Sd/-
B.S.Savant
Member/Secretary
CGRF:PZ:PUNE

Sd/-
Anil Bhavthankar
Chairperson
CGRF:PZ:PUNE