

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 180 OF 2019

In the matter of disconnection of supply

Smt. Padma Narendra Hambir..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd.,
Padmavati Dn., Pune (MSEDCL)..... Respondent

Appearances

For Appellant : Narendra Hambir, Representative

For Respondent : 1. M.B. Barkade, Executive Engineer, Padmavati Dn. Pune
2. R.C.Bendre, Addl. Executive Engineer

Coram: Mr. Deepak Lad

Date of Order: - 5th December 2019

ORDER

This Representation is filed on 15th October 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 31st July 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Pune Zone (the Forum).

2. The Forum, by its Order dated 31.07. 2019 has dismissed the Consumer Complaint in Case No. 25 of 2019 by majority.

3. Aggrieved by the Order of the Forum, the Appellant has filed this representation stating in brief as below: -

- (i) The Appellant is a residential consumer (No.170014239653) from 13.05.2015 at B-30/2, Indira Nagar, near Yamuna Provision Stores, Pune 411 037.
- (ii) The Appellant prayed to condone delay for filing the representation as the order of the Forum was received late and there was heavy rain with water logging in Pune area.
- (iii) The Respondent visited his premises on 17.11.2018 for disconnection of supply against arrears of Rs.1010/-. The Appellant has requested for time of about one and half hours to show the paid bill. However, the Respondent did not take the cognizance and the supply of the Appellant was disconnected immediately without any disconnection notice as per Section 56(1) of the Electricity Act, 2003 (the Act). The Appellant is having Security Deposit (SD) of Rs.1000/- with the Respondent.
- (iv) The Appellant, therefore, filed grievance in Internal Grievance Redressal Cell (IGRC) on 03.01.2019 but the IGRC did not give any relief. The Appellant approached the Forum on 12.04.2019. The Forum, by its Order dated 31.07.2019 has dismissed the grievance application. The Forum did not understand the basic issue of illegal disconnection.
- (v) The Appellant pointed out that she had previously filed various complaints for illegal disconnection and wrong bills in the past. The complaints were not resolved by the Respondent in time. The Appellant approached the Forum twice wherein the Forum, by its orders dated 18.08.2016 in Case No. 23 of 2016 for illegal disconnection, and order dated 24.07.2018 in Case No. 24 of 2018 for billing dispute. The Forum has fined the Respondent Utility towards illegal disconnection and also awarded cost with direction to revise wrong bills.
- (vi) Considering all above aspects, the Appellant prayed that the Respondent be directed to pay compensation of Rs.5000/- towards illegal disconnection as per Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations) and award cost of Rs.20000/- towards mental harassment and other expenses.

4. The Respondent filed reply vide its letter dated 31.10.2019 stating as below: -
- (i) The Appellant is a residential consumer (No. 170014239653) having sanctioned load of 2 KW from 13.05.2015.
 - (ii) Since the Appellant did not pay the electricity bill from April 2018 to October 2018 her name was listed in disconnection list generated by Head Office (HO) Mumbai of the Respondent.
 - (iii) The Mobile No.9890968273 is registered against the said consumer. The notice, as per Section 56(1) of the Act, was issued on the registered mobile number from time to time by the HO as the Appellant was in arrears. The Appellant is a habitual defaulter. As per disconnection list generated by HO, the name of the Appellant was at Serial No.987 having arrears of Rs.1009/- and last payment was made on 16.03.2018. The Respondent approached the Appellant at her premises for disconnection and confirmed that she did not pay the outstanding bill. The Respondent disconnected supply of the Appellant on 17.11.2018 at about 10.30 hrs i.e. after the notice period was over.
 - (iv) On the same day, the Respondent received a telephonic call from the Appellant at about 13.30 hrs. regarding bill payment. This is confirmed from Online Cash Collection System (OCCS) report. The supply of the Appellant was restored immediately.
 - (v) The Appellant filed grievance in IGRC on 03.01.2019. The IGRC has rejected the grievance application. The Appellant approached the Forum on 12.04.2019. The Forum, by its Order dated 31.07.2019 rightly dismissed the grievance application.
 - (vi) The Respondent prayed that the Representation of the Appellant be rejected.

5. The hearing was held on 14.11.2019, the delay in filing the representation is condoned. During the hearing, the Appellant and the Respondent argued in line with their written submissions. The Appellant argued that no SMS was received of disconnection notice on registered mobile. The disconnection was illegal as per Section 56(1) of the Act. The Appellant prayed that the Respondent be directed to pay compensation of Rs.5000/- towards illegal

disconnection as per SOP Regulations 2014 and award cost of Rs.20000/- towards mental harassment and other expenses.

6. The Respondent argued that the supply was disconnected after issuing notice as per Section 56(1) of the Act. The disconnection notice was sent by digital mode i.e. SMS on the registered mobile of the Appellant. Such type of digital messages are regularly sent through IT system by the Respondent all across its jurisdiction. There is no reason for the Respondent to have singled out the Appellant is not serving the notice to the Appellant. The Appellant is habitual defaulter. The Appellant with an ulterior motive to get compensation, filed this representation. She has received compensation in earlier cases filed by her in the Forum. After payment of the bill, the supply of the Appellant was restored within about three and half hours without taking reconnection charges. This is not disputed by the Appellant. Hence, there is no violation of SOP Regulations. The Respondent pointed out that the amount due in September 2019 bill was upto Rs.1131.18. The Respondent has given credit of Rs.800/-towards cost as per the direction of the Forum by its order dated 24.07.2018 in Case No. 24 of 2018. This has reduced the arrears of the Appellant, but still she did not pay the bill. In spite of disconnection notices being sent and the Appellant was informed for payment from time to time, it was the moral duty of the Appellant to have paid the bills as she is enjoying the electricity. Hence, the Representation of the Appellant ought to be rejected.

Analysis and Ruling.

7. Heard both the parties and perused the documents on record. According to the Appellant, she was regular in payment. However, the data produced by the Repondent did not support the argument. According to the Appellant, she did not receive the disconnection notice and her supply was disconnected for arrears of Rs.1010/- for the month of October 2018. The Appellant argued that SD of Rs.1000/- is already with the Respondent, therefore, they should not have disconnected the supply. This argument of the Appellant is untenable as SD is not adjusted on month to month basis. On the contrary, SD is adjusted when the issue of permanent disconnection arises and that too after waiting for six months post permanent disconnection. The Appellant claimed compensation for illegal disconnection.

The Respondent contended that the Appellant is a habitual defaulter in payment of bills as could be seen from the billing record. As per disconnection list generated by HO, the name of the Appellant was at Serial No.987 having arrears of Rs.1009/- and last payment was made on 16.03.2018. The Respondent stated that the disconnection notice as per Section 56 (1) of the Act was sent through SMS on her registered mobile No. 9890968273 which is system generated as there were outstanding arrears of Rs.1009/- in the month of October 2018.

8. It is noted that the Commission through its Tariff Order dated 12.09.2018 in Case No. 195 of 2017 has allowed the distribution licensee to make digital communications with the Consumers for various purposes. The said para of the said order is reproduced below:-

9.5. Key Considerations for Tariff Design

9.5.8. In this context, some of the main tariff-related features of this Order are summarised below:

E. Mode of Communication

The Commission notes that the Hon 'ble High Court of Judicature at Mumbai in its Judgement in the matter of Notice No. 1148 of 2015 in Execution Application No. 1196 of 2015 dated 11 June, 2018 has taken on record the WhatsApp message sent to serve notice on the Respondent and ruled that the same is sufficient for the purposes of service of Notice. The relevant portion of the Order is reproduced below:

“2. The Claimants have also learnt that the Respondent resides at Nalasopara in a place which he seems to have taken on rent. The Claimant will furnish the particulars of address so that a warrant, if necessary can be issued against him. 3. In the meantime, the present Notice is made absolute. 4. A print-out of the WhatsApp message is taken on record and marked “N” for identification with today’s date. The second print out is of the WhatsApp contact number of the Respondent. This shows his contact number. This is also taken on record and marked “N2” for identification with today’s date. This is sufficient for the purposes of service of Notice under Order XXI Rule 22. 5. By way of abandon caution and so that it remains a part of the record a scan of the print outs is attached to this order as well.”

The Commission notes that serving of Notices to the consumers through digital medium such as WhatsApp message, email, SMS, etc. will not only be environmental friendly and save administrative cost but also free the human resources for other consumer service related works. Hence, the Commission has allowed the Distribution Licensee to issue notice under Section 56 of the Electricity Act, 2003, through digital mode such as WhatsApp message, email, SMS etc. The Licensee can also use the digital medium of communication for issuing other information to the consumers including information regarding billing, outstanding payment, outage details, etc. There is also a need to create awareness regarding this provision and accordingly, the consumer needs to be made aware of this by informing him through various means of communication including messages on bills and other publicity means. (Emphasis added.)


I am of the opinion that there is no reason for the Respondent to have not sent notice through digital mode to the Appellant as it is system generated for consumers who have registered their mobile numbers. The Appellant has not denied registration of her mobile number with the Respondent. Considering this aspect, I do not find any merit in the submission of the Appellant.

9. I specifically noted that the Appellant is billed for consumption in the range of 3 to 44 units per month from January 2018 to September 2018. The bill amount therefore would be very less which the Appellant could have easily paid and avoided unnecessary litigations. A consumer enjoys electricity first and then pays at a later date therefore is duty bound to pay the bills regularly. Payment of interest and Delayed Payment Charges (DPC) thereon for non payment of bill does not go down well with the diligent consumer. Distribution licensee expects the consumer to pay the amount of bill regularly and is least interested in getting interest and DPC on the amount of bill.

10. In view of above, I do not find any merit in the submission of the Appellant and therefore there is no need to interfere with the order of the Forum.

11. Hence, Representation is rejected. No order as to cost.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

