

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 23 OF 2022

In the matter of illegal disconnection of power supply and compensation there of

Mahesh Bhanushali Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Virar (MSEDCL) Respondent

Appearances:

Appellant : Mahesh Bhanushali

Respondent : 1. Rajesh S. Bhute, Executive Engineer (In charge), Virar
2. Ms. D. C. Rathod, Dy Executive Engineer
3. D.C. Manojkumar, Dy Manager (F & A)
4. Ramu Janu Mahala, Asst. Accountant, Virar (West) S/Dn.


Coram: Vandana Krishna (Retd. IAS)

Date of hearing : 4th May 2022

Date of Order : 1st June 2022

ORDER

The Representation is filed on 28th February 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 27th December 2021 passed by the Consumer Grievance Redressal Forum, MSEDCL, Vasai (the Forum).


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2. The Forum, by its Order dated 27.12.2021 has partly allowed the grievance application in Case No.49 of 2021 by giving following directions:

- “2. Respondent shall verify the bills of the Consumer from July 2017 and the appropriate credit be given in energy bill if interest or DPC is debited against the credit balance.*
- 3. Respondent shall refund the reconnection charges for 5 incidences of disconnection recovered if any.*
- 4. Respondent shall pay two times of SOP Compensation for 168 Days of illegal non supply or delay in restoration of supply as specified in Annexure – II of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standard of Performance of Distribution Licensee including Power Quality) Regulations, 2021.”*

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

- (i) The Appellant is a Residential Consumer (No. 001526485510) from 25.11.2014 having sanctioned load of 0.74 KW at Flat No. E 704, Evershine Home, Global City, Virar (West).
- (ii) The series of incidents and repeated deficiency in services and harassment caused to the Appellant by the Respondent can be explained with a chronology of events as below:

Date	Description
15 th July, 2017	High bill of Rs. 34,130/- paid, was issued by the Respondent. It was an auto ECS through HDFC Bank.
August 2017 to February 2019	After raising the issue of high bill, and seeking refund of the excessive billing, he was convinced that his account should stand in the credit and subsequent bills should be auto adjusted against the said credit balance until the same stands exhausted against his future dues. Appellant’s subsequent monthly bills until February 2019 were accordingly adjusted against the August 2017 wrongly paid excessively high bill. The February 2019 bill still showing approx. Rs. 12,620/- to his credit balance.


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March 2019 to 21 st August 2019	The credit balance of approx. Rs.12,620/- as reflecting in his February 2019 bill was carelessly debited in the March 2019 bill and showed bill amount payable. The Respondent failed to restore his credit balance of Rs. 12,620/- even in the subsequent bills of April, May, June, and July 2019 and went on to disconnect his electricity supply and removed the meter in his absence on 21 st August 2019.
26 th August 2019	The Appellant visited the Respondent, Virar (West) to report the disconnection of electricity, whereafter it was notified in the bill of the month of July 2019 by the then officer in-charge making a remark reading as “Bill not to pay” and his credit balance of Rs.10,510/- was acknowledged and restored.
13 th September 2019	Meter was removed again in his absence.
16 th September 2019	The Appellant visited the Respondent’s Sub-Division Office, Virar (West) to report the disconnection of electricity for the second time in one month and submitted the July 2019 bill to the said office bearing in-charge officer remarks “Bill not to pay”.
14 th October 2019	Meter was restored.
20 th November 2019	The meter was removed third time in his absence.
29 th November 2019	Written letter submitted to the Respondent, Virar (West) Office with attached documents against the unnecessary trouble and harassment caused to him.
16 th December 2019	Threatening messages received by him about disconnection of electricity under Section 56 of the Electricity Act, 2003 (the Act).
23 rd December 2019	Second written letter submitted to Respondent, Virar (West) Office for reminders on clearing alleged dues of his electricity bills with a threat of disconnection of electricity if not alleged dues in the bill(s) not paid.
January 2020	The electricity was disconnected for the fourth time; the meter was not removed - only connected wires were plugged off. Kept on record the images of several such incidents happened in the past when even the meter was taken away after illegal disconnection of electricity, also bearing different dates of disconnection of electricity as written besides the meter at each time of disconnection by the concerned officer of the Respondent.
17 th February 2020	Visited the local office of the Respondent at Global City, Virar. Also tried to register complaint through call centre No. 18002333435, but they refrained to help because of their incapability due to his consumer account with Respondent


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	showed status as “Temporary Disconnected (T.D.)”. He was advised to go to main office of the Respondent and change consumer account status as “Live”.
20 th February 2020	Final warning letter submitted to the Respondent office, Bolinj Naka, Virar, and meter wires got connected.
6 th March 2020	Meter was removed for the fifth time in his absence. This shows the amount of harassment and mental and physical torture caused to him by the Respondent as a result of inefficient services provided to him despite being a loyal consumer of the Respondent, having paid a huge sum in advance, all at the fault of the Respondent.
8 th March 2020	Follow-up calls and messages to the office of Mr. Shrikant Bhoir and Mr. Umesh Kadam, the Respondent, Bolinj Naka, Virar for reinstatement of the meter, however no action taken.
21 st March 2020	Legal notice to Sub-Division Office of the Respondent, Virar, intimating deficiency in service, depriving him of his basic necessities of living at the cost of Respondent’s repeated negligence, and claiming compensation for the harassment caused.
14 th July 2020	Extension Notice to Legal Notice dated 21.03.2020 addressed to Sub-Division Office of Respondent, Virar
14 th August 2020	Reply received from Sub-Division Office of the Respondent, Virar, to his two notices dated 21.03.2020 and 14.07.2020, wherein repeated mistakes on the part of the Respondent were acknowledged and the difficulty he was made to suffer as a result of disconnection of electricity for five times despite holding credit balance of Rs. 12,620/- in his Consumer Account as between the month of February - March 2019. The said apology was unacceptable to him as Respondent made him suffer by repeatedly taking wrongful advantage of my good being.
27 th August 2020	Rejoinder to reply dated 14.08.2020 received from Sub-Division Office of Respondent, Virar, intimating wrong adjustment and deduction from his credit account including interest on bills alleged to be payable by him, when in fact they were not.

After all of the harassment that has been caused to him, there was no stone left unturned and he was aghast and devastated to realize that the Respondent has performed excessive deductions from his credit balance, all the interests and charges towards the alleged unpaid bills from March 2019 to July 2020.


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- (iii) The Appellant has also lodged online complaints raising the above issue on the Customer Grievance Portal vide Requests dated 21.09.2019, 19.05.2020 and 17.07.2020. It is disheartening to again state that his complaints on this platform were unheard too. No action whatsoever was taken, and the status each time automatically changed to 'Closed' within a few days of raising the requests.
- (iv) Time and again, the Appellant has also been paying miscellaneous expenses towards his Consumer Account No. 001526485510 from August 2019 till date, despite it being acknowledged by the Respondent, Sub-Division Office at Virar that he has a credit balance.
- (v) Each time the electricity was disconnected despite no bills pending due, whether or not at the negligence of the concerned officers of Respondent, it only goes on to show the illegal and malafide act and unlawful trade practice on the part of Respondent. All his repeated requests made in person and through letters and notices have only fallen on deaf ears and all the opportunities given by him have been taken to a wrongful advantage by Respondent.
- (vi) Furthermore, in the reply dated 14.08.2020 to his legal notice and extension thereof dated 21.03.2020 and 14.07.2020 respectively, the Sub-Division Office of Respondent, Virar, has failed to explain to how the Appellant is liable to pay to them interest on the bills when his consumer account holds a credit balance, and merely because of their failure to keep proper accounting of the credit balance, the Appellant was raised bills for payment. Even after a total failure and repeated mistake on the part of the Sub-Division/Global office of Respondent, Virar was acknowledged, they have the audacity to charge the Appellant interest on the bills they claimed to be due which they later found the Appellant is not liable to pay at all.
- (vii) It is also pertinent to note that it was incorrect on the part of Respondent to disconnect his electricity connection at all the five instances despite there being no dues payable by him to Respondent. The Appellant is entitled to adequate compensation for each day of illegal disconnection of electricity to his premises and being deprived of his basic right of living for no fault of his. The following


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are the dates and events when the Appellant was illegally deprived of electricity by Respondent:


First Instance:	
Date of notice of disconnection	No notice was received.
Date of disconnection	21st August 2019 Was unable to detect the issue and suffered three days without electricity. At last, by calling the local technician, I was shocked to have found out that electricity meter was removed.
Reporting of illegal disconnection	On 26 th August 2019, I personally visited the Sub-Divisional office of Respondent, Virar and informed about the issue. The only solution that was provided was a noting on the electricity bill for the month of July 2019, where it mentioned “Bill Not to Pay”. The Appellant then submitted a copy of said bill to the local office of Respondent, Global City to enable them to take steps to restore his connection.
Date of reconnection	26 th August, 2019
Second Instance:	
Date of notice of disconnection	No notice was received.
Date of disconnection	13th September, 2019
Reporting of illegal disconnection	On 16 th September 2019, the Appellant personally visited the Sub-Divisional office of Respondent, Virar and informed them about the same issue faced by him earlier. He was asked to again make a visit to the local office and submit July 2019 bill having remark “Bill Not to Pay”. Despite visiting the local office on the same day and submitting the bill, his electricity was not restored. The Appellant also registered an online complaint on Respondent’s website on 21.09.2019 bearing Request ID No. 0000012760837. He was forced to re-visit the local office on 14.10.2019 to raise the concern about illegal disconnection of electricity and had to redo the procedure and make personal visits at least twice to get his electricity connection restored.
Date of reconnection	14 th October, 2019
Third Instance:	


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Date of notice of disconnection	No notice was received.
Date of disconnection	20th November, 2019
Reporting of illegal disconnection	On 29 th November 2019, personally visited the Sub-Divisional office of Respondent, Virar and made a written complaint and subsequently submitted an acknowledgement thereof to the local office.
Date of reconnection	29 th November, 2019
Fourth Instance:	
Date of notice of disconnection	16 th December 2019 (received through SMS) On 23 rd December 2019, made a second written complaint to Sub-Divisional office of Respondent, Virar for unwanted threatening of disconnection.
Date of disconnection	Somewhere in January 2020 (Unable to identify the issue as only the wires were disconnected, meter was not removed).
Reporting of illegal disconnection	On 17 th February 2020, I personally visited the local office of Respondent, Global city and they advised me to go to the Sub-Divisional office, Virar. I also tried to lodge a complaint through customer-care call centre. Being disheartened, I was forced to visit the Sub-Divisional office, Virar on 20 th February 2020 and personally discussed my issues with the Deputy Engineer, Respondent and submitted my third and final written complaint to Respondent. I was given Mr. Bhoir's contact details to reach out in case of any further and / or future issues.
Date of reconnection	20 th February, 2020
Fifth Instance:	
Date of notice of disconnection	No notice was received.
Date of disconnection	6th March, 2020
Reporting of illegal disconnection	On 8 th March, 2020, I contacted Mr. Bhoir to report the issue, but to no use. Issued legal notice dated 21 st March 2020 through Speed Post.
Date of reconnection	27 th July, 2020


- (viii) Each time the Appellant had to visit the Sub-Divisional Officer and Global Office of Respondent, had to remain absent from office and had to face difficulty every time as the same would hamper his commitments at his workplace. Also, that each time electricity was disconnected, the Appellant had to shift to his


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parents' residence at Borivali causing further inconvenience to him and his parents. For each day of illegal disconnection and deprivation of electricity, is liable to be compensated at the rate of Rs. 250/- per day.

- (ix) Wrongful conduct and unfair trade practices on the part of Respondent has caused him serious harassment and made him suffer for loss of time, value of money, mental tension, agony, and pain.
- (x) The Appellant is also unsure whether the amounts debited from his credit balance from August 2017 till date were adjusted correctly to the exact bill amounts for subsequent months thereafter and whether 'bill amount before due date' was considered for adjustment or 'bill amount after due date'. Because apparently, as my account was already standing to the credit of Respondent without any payment of interest, the bill amounts payable 'before due date' should be considered. In view of the above, the Appellant requests to call upon the ledger account statement of my Consumer Account No. 001526485510 maintained by Respondent on and from August 2017 till date for consideration. the Appellant crave leave to pray for refund of the illegitimate deductions and adjustments as may be made to credit balance held in the books of accounts of Respondent.
- (xi) All the facts of the Grievance were submitted to Respondent, Sub-Divisional Office, Virar West, Internal Grievance Redressal Cell (IGRC).
- (xii) The Appellant approached the Forum on 17.03.2021. The Forum, by its Order dated 27.12.2021 has partly allowed the grievance application. The Forum failed to give complete order. The Appellant is forced to approach the Electricity Ombudsman for proper justice on the part of consumer's welfare.
- (xiii) The Appellant would like to draw attention on the following points:
- i. The Appellant has faced harassment from Respondent for one year even after reporting several oral complaints and submitting written complaints thrice.
 - ii. A dwelling without electricity has no value and not a fit premises for stay.
- (xiv) The details of disconnection and restoration of supply is illustrated in the table by the Forum was found miscalculation as per Appellant. No idea about the proper date of disconnection of wire, but electricity supply to his house was not there from second week of January, Respondent has removed the electricity supply wires from the meter,


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and it was detected on 17th February 2020 and restored on 20th February 2020. The Appellant has already wasted his paid leaves in previous visits to Respondent, Sub-Division Office, Virar West. Hence, visited the Sub-Division Office, Virar West office on 20th February 2020. So, the days of January 2020 was not considered in the illustration table by the Forum. Second thing, the electricity was finally restored on 27th July 2020.

- (xv) How can be compensation of Rs. 5,00,000/- towards deficiency in services, physical and mental agony, financial loss, harassment, and unfair trade practices adopted by Respondent is unreasonable and not tenable within the framework of Regulation No.9.2 (c) of CGRF & EO Regulation 2020 therefore cannot be allowed.

“9.2 (c) pay such amount as may be awarded by it as compensation to the Complainant as specified by the Commission in the standards of performance of Distribution Licensees:


Provided that in no case shall any Complainant be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity;”

- (xvi) The Forum has wrongly executed the 9.2(c) Regulation in the matter of Case No. 49 of 2021. Harassment, Moral damages, and illegal work are not the standards of performance of Distribution Licensees.
- (xvii) Regulation 9.2 (c) would work for the first incident on his case but not for illegal work which was repeated 5 times and every time in the complaint letter, informed the Respondent, Sub-Divisional Office, Virar West, about harassment and loss of time/money/energy, but they brutally ignored and committed the same nature of mistakes 5 times. At last, the Appellant has informed Respondent, Sub-Divisional Office, Virar West, about the compensation of Rs.500000 in the Legal Notice. The volume of more than 200 dark days speaks a lot about Consumer Health + Financial loss due to only negligence of the Respondent.
- (xviii) Even during the hearing at Forum, the panel has been informed about the loss of his job due to Respondent for not able to concentrate in his work and wasting the paid leaves which has impacted in his job loss (Last date of my job was 19.03.2020 and still jobless).


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- (xix) Illegal remove of meter for 5 incidents even after complaining is a serious offence/crime and it is equivalent to/same as 'Theft of Electricity or Meter'. The Forum has passed the order of SOP compensation for illegal disconnection and delay in restoration of supply, but illegal disconnection is not specified in Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, and failed to recognise other compensation under Complaints on Consumer's Bills and Consumer charter/ service.
- (xx) No order passed on the legal/stationary/travel expenses incurred and the interest at the rate of 12 % per annum accruing on his diminishing credit balance ever since July 2017 to be paid to the consumer and all the credit balance after recalculation to be refunded to the Appellant.
- (xxi) The wastage of Home Loan EMI, Society Maintenance, Property Tax, Paid Leaves, etc. for not providing electricity from August 2019 to July 2020 is also a monetary loss of my hard-earned money.
- (xxii) The Appellant prays that
- All associated books of accounts and ledger statements maintained by Respondent associated with Consumer Account No. 001526485510 on and from July 2017 to be furnished by the concerned department of Respondent, Virar for proper adjudication of the grievance.
 - All the interest at the rate of 12 percent per annum accruing on the diminishing credit balance ever since July 2017 to be paid to the Appellant.
 - All the bills from July 2017 should be verified and the appropriate credit be given in energy bill if interest or DPC is debited against the credit balance.
 - All the bills which was charged from the credit balance in the disputed period from August 2019 to July 2020 should be reversed and added to his existing credit balance.
 - All my credit balance after re-calculation in terms of prayer clause (c & d) herein to be refunded.
 - Compensation per day as stipulated under the provisions of the Electricity Act and regulations in force thereunder for the wrongful cut-off of


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electricity on account of Consumer Account No. 001526485510 between the period from month of August 2019 till the date of disposal of the grievance, on the alleged grounds of bill payment due when in fact it was not.

- g) Compensation of Rs. 5,00,000/- towards deficiency in services, physical and mental agony, financial loss, loss of Time/Money/Energy, harassment, moral damages, and unfair trade practices adopted by Respondent since July 2017, and
- h) Any other further relief as the Authority deem fit in the circumstances of the case.

4. The Respondent has filed its reply dated 29.04.2022 which is stated in brief as under:-


- (i) The Appellant is a Residential Consumer (No. 001526485510) from 25.11.2014 having sanctioned load of 0.74 KW at Flat No. E 704, Evershine Home, Global City, Virar (West).
- (ii) The Appellant has made the advance online payment of Rs.34,130/- on 15.07.2017 through auto debit facility. As due to advance payment the Appellant's bill was in credit, his subsequent monthly bills until February 2019 were accordingly adjusted. However, on 22.03.2019, the Accounts department mistakenly debited (+B80) or nullified the credit amount of Rs.12,620/-. Further the Appellant did not pay the electricity bill issued and was classified in arrears which caused the Appellant to populate in disconnection list. As per the rules and regulation of the Respondent, the Section Officer disconnected power supply due to non-payment of arrears.
- (iii) However, after first instance of disconnection on 21.08.2019, the Appellant visited Virar West subdivision office on 26.08.2019. When verified by this office, the mistake was acknowledged, and it came to notice that the consumer is not in arrears, but the consumer has taken the facility of advanced bill payment. Meanwhile the Covid – 19 pandemic situations came around and the lockdown was imposed from March 2020. But the Distribution Licensee being under the


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emergency services, the duties of employees were scheduled in rotation manner from the month of July 2020 as per guidelines issued by Government of Maharashtra. So the situation was taken in hand to update the records, and a provisional bill was issued, noting “Bill not to pay”. But the system failed to update the record in online billing system till July 2020, during this period the Appellant’s supply was disconnected at five instances.

- (iv) Finally in the month of July 2020, Credit bill revision (-B80) of Rs.12,620/ and interest amount of Rs.2,286.33 was credited in the bill, and supply was reconnected. At this point the issue was resolved.
- (v) As the issue was resolved in July 2020, and an apology & request was made to the Appellant for the mistake done by SDO, Virar (W) S/Dn vide dated 04.08.2020. Request was also made to the Appellant not to raise the issue, as all the necessary corrections were done by the Respondent.
- (vi) However, being not satisfied, the Appellant approached the IGRC. During the hearing at IGRC, the Respondent has explained the procedure, apologies for inconvenience caused to the Appellant. As all the benefits and credit bill already were given in the month of July 2020. The IGRC by its order dated 05.01.2021 has rejected the grievance.
- (vii) However, the Appellant is not satisfied and approached the Forum. The Forum by its order dated 27.12.2021 has partly allowed the grievance.
- (viii) As per order of the Forum, the SOP compensation for 168 days of illegal or non-supply or delay in restoration of supply as specified in Annexure-II of MERC (Electricity Supply Code and Standard of performance of Distribution Licensees Including Power Quality) Regulations 2021 is Rs.250 /day, thus as per order two times of these i.e.Rs.500/day for 168 days amounts to Rs. 84,000/-, and reconnection charges for five instances are Rs.295/- is under process of credit in the bill.
- (ix) Further like to conclude that, as per the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, Regulation No. 26, the compensation is not liable to be paid, and is exempted under such


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circumstances during the Covid-19 Pandemic. But still the Distribution Licensee followed the order of the Forum.

- (x) The loss which occurred due to proposed payment of compensation will be recovered from the employee of the Respondent who had made the mistake.
- (xi) Later on, to say that the Respondent is a public undertaking and comes under emergency services for maintaining the uninterrupted power supply which is a prime concern during such tough times like Covid-19 pandemic situation.
- (xii) In view of above, the Respondent has apologized for the cause happened and have given all the necessary benefits to the consumer.
- (xiii) The Respondent prays that the Representation of the Appellant be rejected.

5. The Appellant has filed a rejoinder dated 02.05.2022 which is taken in brief as under:

The Appellant states that he has not received the copy of reply from the Respondent well in advance to file the rejoinder application. The details provided in it by Respondent are partially not correct and it does not fit as per the rules and regulation of the Act. The point wise comments are as follows:

- (i) No notice or intimation of 15 days, under the Act, was received for disconnection. Hence this is termed as illegal disconnection.
- (ii) The Appellant has not taken the facility of advanced bill payment, it was Respondent's mistake or error to issue the high bill in the year 2017 and the Appellant's ignorance over the auto debit facility. The Respondent is responsible for disconnection for first time. Covid-19 pandemic situation came in the last week of December 2019, before those three (3) illegal instances occurred in which two (2) written complaint letters submitted to Sub- Divisional Office of the Respondent. Before the lockdown happened on 26th March 2020, the Respondent has illegally disconnected the connection at five (5) instances in spite of giving four written complaint letters.
- (iii) The Respondent has credited actual balance of Rs. 12620/- in March 2019. Out of approx. Rs. 6500 /- the outstanding bill including illegal interest of Rs. 2286/- which was charged to him in the case. The remaining credit balance was approx.



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6000/-. After explaining the wrong calculation over the written complaint to the Respondent, they refunded that illegal interest amount of Rs. 2286/-.

- (iv) After the legal notice, the Respondent send him the apology letter, which was expected on the first written complaint, or the last warning letter issued to the Respondent. The mentality of Respondent was to harass the consumer brutally and make him to suffer loss of Time/Money/Energy. The Respondent has ignored the written complaints and they expected the Appellant to consider their apology letter.
- (v) The Forum has passed the order after attending one hearing only, in that Respondent has no reply or written statement, even after the Forum's order, Respondent to submit the para wise comments within 7 days of hearing.
- (vi) 168 days is wrongly calculated by the Forum, actual it is more than 200 days. The few days of January 2020, February 2020 and July 2020 has not properly counted by the Forum. The Appellant is unaware of SOP calculation of Rs. 84000/- till now. The Forum has given the final order on 27th December 2021. The Respondent is now crediting the said amount in May 2022, which is also delayed in service from Respondent end.
- (vii) The proper justice to the Appellant be considered to recover his financial losses, time/money/energy loss, job loss and harassment legally, which he has suffered brutally.


6. E-hearing was held on 04.05.2022 through video conference. The Appellant was physically present at the time of hearing where both the parties argued in line with their written submissions. The Appellant argued that the reply of the Respondent was not received which was then forwarded to him from the office of the Electricity Ombudsman. On 15.07.2017, bill of Rs.34,130/- was automatically paid against the high and incorrect bill issued by the Respondent. It was an auto ECS through HDFC Bank. Hence, the Appellant approached the Respondent for wrong bill and requested for refund. This ECS facility was auto adjusted against the credit balance with the Respondent until the same stands exhausted. Accordingly, till February 2019, the monthly bills were adjusted showing credit balance of Rs.12,620/-.


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7. On 21.08.2019, the meter was removed without notice which was the first instance of disconnection. The complaint was given on 26.08.2019 on which the Respondent noted a remark on the July 2019 bill “Bill not to pay” and send it to local office. The supply was restored. However, this trend of disconnection continued for five times, and every time the Appellant had to personally go to the subdivision office showing the remark on the July 2019 bill to restore the supply. The Appellant was aghast and devastated to realize that the Respondent had performed excessive deductions from his credit balance, all the interest and charges towards the alleged unpaid bills from March 2019 to July 2020. He also lodged online complaints raising the above issue on the Customer Grievance Portal vide requests dated 21.09.2019, 19.05.2020 and 17.07.2020. Each time the electricity was disconnected despite no bills pending. Whether or not this was due to the negligence of the concerned officers of Respondent, it only goes to show the illegal and malafide acts and unlawful trade practice on the part of Respondent. All his repeated requests made in person and through letters and notices have only fallen on deaf ears, and all the opportunities given by him have been taken wrongful advantage by Respondent. Furthermore, in the reply dated 14.08.2020 to his legal notice and extension thereof dated 21.03.2020 and 14.07.2020 respectively, the Sub-Division Office of Respondent, Virar, has failed to explain how the Appellant is liable to pay interest on the bills, when his consumer account holds a credit balance. Merely because of their failure to keep proper accounting of the credit balance, the Appellant was raised bills for payment. Even after total failure and repeated mistakes on the part of the Sub-Division/Global office of Respondent, Virar was acknowledged, they have the audacity to charge the Appellant interest on the bills they claimed to be due which they later found the Appellant is not liable to pay at all. It is also pertinent to note that it was incorrect on the part of Respondent to disconnect his electricity at all the five instances despite there being no dues payable by him to Respondent. The Appellant is entitled to adequate compensation for each day of illegal disconnection of electricity to his premises and being deprived of his basic right of living for no fault of his.

8. The Respondent argued that due to wrong reading, wrong bill was issued. This bill was auto debited from the Appellant’s account. In July 2017, the bill was revised, and credit was adjusted in the bills till February 2019. However, due to lack of coordination during the pandemic period, the credit balance was cancelled. The Appellant approached the grievance


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mechanism where the Forum has given him the compensation as per the SOP Regulations. The Respondent is willing to give compensation as per SOP Regulations. However, the Respondent failed to explain why the electricity was disconnected five times even before the pandemic and lockdown, even after the accounting mistake was brought to their notice in August 2019.

Analysis and Ruling

9. Heard the parties and perused the documents on record. The Appellant is a Residential Consumer (No. 001526485510) from 25.11.2014 having sanctioned load of 0.74 KW at Flat No. E 704, Evershine Home, Global City, Virar (West). It seems that for a period of two years prior to May 2017, the Appellant was being incorrectly billed for less consumption, probably based on average meter reading. Actual meter reading was taken around May 2017 which showed accumulated consumption of 2285 units, amounting to Rs.34130/- which was billed in June 2017. This amount should have been split for about two years when the meter reading was not taken. This would have led to reduction in the bill due to slab benefit. This was done later, and it was found that the bill reduced from Rs.34130 to Rs.12620/-.

10. Looking at the dates of disconnection of electricity supply which the Forum has already analysed, it is seen that there were 66 days of disconnection before the lockdown, 102 days of disconnection during the lockdown. The Forum's analysis itself shows that five instances of disconnection were all done prior to the lockdown. The Respondent has also not been able to explain the cause of repeated disconnections, even though their accounting mistake was brought to their notice.

11. At the time of events mentioned above, the earlier CGRF & EO Regulations 2006 were applicable, according to which the Appellant is eligible to be compensated at the rate of Rs.50 per hour of non-supply. However, in order to see whether the Appellant is eligible for this compensation, it will have to be seen when he has applied for the same. As per the records, the Appellant has applied for the first time on 21.03.2020 which was a legal notice to Subdivision office, Virar wherein he has claimed for compensation for harassment caused.


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12. This seems to be an exceptional case of repeated harassment of the Appellant, and incompetence of the Respondent, lack of internal coordination leading to wrongful billing. As such, the case deserves to be heard by the Forum again, by considering costs separately, and compensation as per Regulations separately.

13. It is also observed that the Forum has given directions to the Respondent to pay two times of SOP Compensation for 168 Days of illegal non supply or delay in restoration of supply as specified in Annexure – II of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standard of Performance of Distribution Licensee including Power Quality) Regulations, 2021.

14. In view of above, direction is given to the Forum to issue a reasoned order as per Regulation 9.4 of the CGRF & EO Regulations 2020. The said Regulation is reproduced below:


“The Forum shall ensure that all Orders are consistent with the Commission’s Regulations and Orders:

Provided that the order issued by the Forum shall specifically mention the applicable Regulations and Orders based on which its Order has been passed:

Provided further that the Forum on its own shall not interpret and rule beyond the applicable Regulations and Orders.”

15. Therefore, as per the relevant Regulation 18 of CGRF & EO Regulations 2006, and Regulation 21 of CGRF & EO Regulations 2020, the grievance is remanded to the Forum for rehearing and for issuing order accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

