

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

**REPRESENTATION NO. 186 OF 2022**

In the matter of illegal disconnections of power supply and compensation thereof

Mahesh Krishnakant Bhanushali ..... Appellant

V/s.

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

Appearances:

Appellant : Mahesh Bhanushali

Respondent : 1. P.A. Manojkumar, Dy Manager (F & A)  
2. Pallavi S. Kargutkar, UDC


**Coram: Vandana Krishna [IAS (Retd.)]**

Date of hearing : 13<sup>th</sup> February 2023

Date of Order : 3<sup>rd</sup> March 2023

**ORDER**

This Representation was filed on 5<sup>th</sup> December 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 26<sup>th</sup> July 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Vasai (the Forum).

  
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## 2. Preamble

Initially, the Appellant had filed Representation No. 23 of 2022 against the Forum's earlier order dated 27.12.2021 in Case No. 49 of 2021. The Forum in its order directed that.


*“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.**”*

At the time of events mentioned above, the earlier CGRF & EO Regulations 2006 were applicable. Therefore, as per the relevant Regulation 18 of CGRF & EO Regulations 2006, and Regulation 21 of CGRF & EO Regulations 2020, the grievance was remanded by the E.O. to the Forum for rehearing and to issue order accordingly.

3. Pursuant to the above, the Forum re-heard both the parties on 05.07.2022. The Forum by its Order dated 26.07.2022 partly allowed the grievance application in Case No.55 of 2022. The operative part of the order is as below:-

- “2. Respondent shall verify the bills of 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 compensate consumer for 17 days (06.03.2020 to 22.03.2020) of illegal non supply or delay in restoration of supply as per Annexure – II of MERC (SOP) 2014.”*


4. The Appellant, not being satisfied with the Final Order of the Forum dated 26<sup>th</sup> July 2022 in Case No. 55 of 2022, has re-appealed before this Authority for proper justice. The Appellant pleaded that there is no delay in filing this application, as the Appellant was not aware about the procedure to re-submit the representation in “Schedule B” once again. The Appellant submitted his application on 13<sup>th</sup> September 2022 over the unsatisfactory order of the Forum within the stipulated time, and continuously followed up with the EO office. Therefore, there are sufficient and plausible reasons for acceptance of this Schedule ‘B’ Form. The Appellant prays that if any delay for filing the representation has happened unknowingly, the same may be condoned in the interest of justice.

  
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5. Aggrieved by the order of the Forum dated 26.07.2022, the Appellant filed this representation. A physical hearing was held on 13.02.2023 where both the parties were heard at length. The Appellant's written submission and arguments in brief are stated 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 is already explained in detail with chronology of events in Representation No. 23 of 2022. The Appellant's case in brief is as below.
- (iii) The Appellant had initially paid a high bill of Rs.34,130/- through auto ECS on 15<sup>th</sup> July 2017, and his account was showing credit balance up to February 2019 of around Rs.12,620/-. This amount was then carelessly debited in the March 2019 bill, showing this bill amount as payable. Thereafter, the Respondent failed to restore his credit balance in the subsequent bills of April, May, June and July 2019 resulting into disconnection and removal of meter on 21<sup>st</sup> August 2019. The Appellant went to the Respondent's office when the credit balance of Rs.10,510 was acknowledged and restored and a remark of "Bill not to pay" was made in his July 2019 bill. However, the meter was again removed on 13<sup>th</sup> September 2019. The Appellant again visited the Respondent and showed the above remark on the bill. The meter was restored on 14<sup>th</sup> October 2019. Then on 20<sup>th</sup> November 2019, again for the third time, the meter was removed. He continued his follow up with the Respondent including the threatening message received by him for disconnection under Section 56 (1) of the Electricity Act, 2003. In the month of January 2020, the disconnection was done for the fourth time. This time the meter was not removed, but the connected wires were plugged off. He tried to make a complaint through the call centre, however, his connection being "temporarily disconnected", he was told to approach the main office of the Respondent. He gave a final warning letter and the meter wires were connected on 20<sup>th</sup> February 2020. Again, for the fifth time, on 6<sup>th</sup> March

  
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2020, his meter was disconnected. Follow up calls and messages were done but to no avail. Finally, he sent a legal notice on 21<sup>st</sup> March 2020 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. Extension Notice to Legal Notice dated 21.03.2020 addressed to Sub-Division Office of Respondent, Virar was sent on 14<sup>th</sup> July 2020. A reply dated 14<sup>th</sup> August 2020 was received from Sub-Division Office of the Respondent, Virar, to his two notices dated 21.03.2020 and 14.07.2020, wherein the repeated mistakes on the part of the Respondent were acknowledged, as was the difficulty he was made to suffer as a result of disconnection of electricity five times despite holding credit balance of Rs. 12,620/- in his Consumer Account between the month of February - March 2019.

- (iv) The Appellant also lodged online complaints on the Customer Grievance Portal vide Requests dated 21.09.2019, 19.05.2020 and 17.07.2020. It is disheartening 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.
- (v) It was wrong on the part of Respondent to disconnect his electricity connection five times despite there being no dues. 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.
- (vi) Each time the Appellant had to visit the Sub-Divisional Officer and Global Office of Respondent, he had to remain absent from office and had to face difficulty every time as the same would hamper his commitments at his workplace. Also, each time electricity was disconnected, the Appellant had to shift to his parents' residence at Borivali causing further inconvenience to him and his parents. For each day of illegal disconnection and deprivation of electricity, he is liable to be compensated at the rate of Rs. 250/- per day.

  
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- (vii) Wrongful conduct and unfair trade practices on the part of Respondent have caused him serious harassment and made him suffer loss of time, money, mental tension, agony, and pain.
- (viii) The Forum by its Order dated 26.07.2022 has partly allowed the grievance application in Case No.55 of 2022. The operative part of the order is already captured in Para 3.
- (ix) The Forum failed to understand the basic issue of illegal disconnection of supply. The main points of the Forum's order are highlighted below:-
- a) The Forum agreed that disconnection of supply was illegal and repeated 5 times. The Forum agreed that the Appellant was without supply for 168 days. In fact, the Appellant was without supply for 233 days. The Forum wrongly concluded that MSEDCL is found guilty for only 17 days out of 233 days, in spite providing the period of non-supply.
  - b) The Forum is not considering the 3 complaint letters given prior to the legal notice submitted to MSEDCL, Virar west. The Forum is considering only the Legal Notice. The Legal Notice was sent only after the failure of the 3 complaint letters submitted to MSEDCL, Virar west. The Forum is making the wrong conclusion in the judgement by saying indirectly that "Every consumer should ask for compensation in the first formal complaint letter itself or needs to send a legal notice in the first instance".
  - c) The Forum is misusing the COVID-19 pandemic in the Appellant's favour. Even during the COVID-19 pandemic MSEDCL had the time and manpower for illegal disconnections. But they did not have the time and manpower to correct their accounting mistake. The Forum is only penalizing the consumer for no mistake of his but also depriving of the basic need of electricity for 233 dark days and backing MSEDCL for inefficiency in their service.
  - d) The Forum is now giving SOP compensation for only 17 days only; before that it was 168 days in Case No. 49 of 2022, and the Appellant's calculation was 233 days.

  
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- e) The Forum once again quoted the Regulation clause 9.2 of MERC and mentioned that **there are no regulatory provisions by which Forum can provide compensation / separate cost for harassment.** So, its judgement is that MSEDCL can harass consumers at any level, being not afraid of compensation.
- (x) From what the Appellant understood, observed and experienced; it seems that MSEDCL is overpowering the Forum authorities.
- (xi) The Appellant is eligible for compensation of Rs. 5,00,000/- towards deficiency in services, physical and mental agony, financial loss, harassment, and unfair trade practices adopted by the Respondent.
- (xii) Nature of Relief Sought from the Electricity Ombudsman :-  
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 were 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 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.


  
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- 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.

6. The Respondent, by its letter dated 11.01.2023 has submitted its written reply. The written submission along with its arguments are stated in brief as below without repeating the submission as recorded in the earlier order dated 01.06.2022.

- (i) The Appellant 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/-. The Appellant did not pay the disputed electricity bill issued, and was classified "in arrears" which caused the Appellant to be populated in "disconnection list". As per the rules and regulation of the Respondent, the Section Officer disconnected power supply due to non-payment of arrears.
- (ii) However, after first instance of disconnection on 21.08.2019, the Appellant visited the MSEDCL Virar West sub division office on 26<sup>th</sup> August 2019. When verified by this office, the mistake was acknowledged and it came to knowledge that, the consumer is not in arrears but had taken the facility of advance bill payment. Meanwhile the Covid – 19 pandemic situation came and the lockdown was imposed from March 2020. As the Distribution Licensee comes under emergency services, the duties of employees were scheduled in a rotation manner from July 2020 as per guidelines issued by G.O.M. **The correction was taken in hand to update & issue a provisional bill noting "Bill not to pay", but unfortunately this decision could not be entered into the system due to lack of manpower; hence the records were not updated in the online billing system till July 2020.** During this period, unfortunately, the supply of the Appellant was disconnected five times.
- (iii) Finally in the month of July-2020, Credit bill revision (-B80) of Rs.12,620/-, B80

  
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ID – 11208291 was fed, effect came in Aug-2020 bill and Interest Amount Rs.2,286.33/- B80 11440891 was credited in the bill, effect came in Dec-2020 and supply was reconnected.

- (iv) As the issue was resolved in July 2020, an apology was issued to the Appellant for the mistake done by SDO, Virar (W) S/Dn vide dated 04.08.2020.
- (v) As per the order of the Forum dated 26.07.2022 Reconnection charges recovered for 5 incidences are calculated as follows.

| <b>Sr. No.</b> | <b>Reconnection Charges recovered (Rs.)</b> | <b>No of Incidences as per CGRF Order dated 26.07.2022</b> | <b>Total Amount to Be Credited (Rs)</b>  |
|----------------|---------------------------------------------|------------------------------------------------------------|------------------------------------------|
| 1              | 236/- Including GST                         | 5                                                          | 236*5 =<br>1180<br>(B80 No.<br>14299107) |

As per directions of the Forum, the reconnection charges of Rs. 1180/- which were collected is under process of refund to the Appellant. In addition, Compensation of Rs.243/- for 17 days of illegal disconnection / non – supply, i.e., from 06.03.2022 to 22.03.2022 will be credited shortly, as per Commission’s SOP Regulation 2014. Hence the total amount to be credited comes out to be Rs. 1423/- (1180 + 243) only, which will be credited in the energy bill of Feb. 2023.

- (vi) The loss which occurred due to the payment of compensation will be recovered from the employee of the Respondent who had made the mistake.
- (vii) The Respondent has apologized for the loss that happened and have given all the necessary benefits to the consumer. The Respondent prays that the Representation of the Appellant be rejected.

  
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## Analysis and Ruling

7. Heard the parties and perused the documents on record. The basic facts of the case have already been recorded in the earlier order dated 01.06.2022 and need not be repeated here.

8. 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 and 102 days of disconnection during the lockdown. The Respondent has itself agreed that there were 168 days of lockdown, while the Appellant claims that counting the days of January and February 2020, there were 233 days of 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 satisfactorily explain the cause of repeated disconnections, even though their accounting mistake was brought to their notice.


9. The Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 has empowered consumers for claiming compensation as per Appendix A of the said Regulations. The relevant regulations are reproduced as below:-

*“12. Determination of Compensation*

*12.1 The compensation to be paid by the Distribution Licensee to the affected person is specified in Appendix A of these Regulations.*

*12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :*

*Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance:*

  
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*Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation :*


*Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.”..... **(Emphasis added)***

**Appendix A : LEVEL OF COMPENSATION PAYABLE TO CONSUMER FOR FAILURE TO MEET STANDARDS OF PERFORMANCE**

| Sr. No.  | Supply Activity/Event<br>(1)                                                                                                                                                                                                                                                                                              | Standard<br>(2)                              | Compensation Payable<br>(3)                      |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------------------|
| <b>5</b> | <b>Reconnection</b>                                                                                                                                                                                                                                                                                                       |                                              |                                                  |
|          | <i>Reconnection of a consumer who has been disconnected for less than six (6) months, from the time of payment of either all amounts to the satisfaction of the Distribution Licensee or, in case of a dispute, such amount under protest in accordance with the proviso to sub-section (1) of Section 56 of the Act.</i> | <i>Four (4) hours (Class I cities)</i>       | <i>Rs 100 per week or part thereof of delay.</i> |
|          |                                                                                                                                                                                                                                                                                                                           | <i>Twenty-four (24) hours (Urban Areas).</i> |                                                  |
|          |                                                                                                                                                                                                                                                                                                                           | <i>Two (2) days (Rural Areas).</i>           |                                                  |

The Appellant claimed compensation for the first time by issuing a legal notice on 23.03.2020. As per Regulation referred above, the Forum in its order dated 26.07.2022 has recorded this issue in detail and has awarded compensation accordingly.

10. The indirect punitive cost claimed by the Appellant for Rs. 5,00,000/- towards compensation for harassment, physical and mental agony etc. seems excessive as per Regulations. The compensations allowed as per Regulations is only Rs.100/- per week of delay in reconnection. Even if we count 233 days of disconnection as claimed by the Appellant, this amounts to only 33 weeks, and the compensations would be only Rs.100/- X 33 = Rs.3300/-. This would not compensate the Appellant commensurate with his prayer.

  
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**At the same time, it is an admitted fact that the Respondent not only did not correct its accounting and billing mistake despite repeated representations, it also wrongfully disconnected the supply without any notice 5 times, thereby causing repeated harassment to the Appellant.** We therefore award costs of Rs. 5000/- for every incidence of such wrongful disconnection, which amounts to a total of Rs. 25000/-, to be paid by the Respondent to the Appellant through future adjustment in his bills.


11. This will be in addition to the relief awarded by the Forum. The other prayers of the Appellant are not maintainable before this Authority.

12. In view of above, the instant Representation is disposed of with cost of Rs.25,000/- imposed on the Respondent, considering the gravity of the case, which is to be paid to the Appellant in the ensuing bill.

13. Compliance report to be submitted by the Respondent within two months from the date of issue of this order.

14. The instant Representation is disposed of accordingly with cost.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

