

		Date	Month	Year
1	Date of Receipt	11	07	23
2	Date of Registration	18	08	23
3	Decided on	06	10	23
4	Duration of proceeding	49 days		
5	Delay, if any.	—		

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
B.E.S. & T. UNDERTAKING

(Constituted under section 42(5) of Electricity Act 2003)

Ground Floor, Multistoried Annex Building,
BEST's Colaba Depot
Colaba, Mumbai - 400 001
Telephone No. 22799528

Grievance No.FS-015-2023 dtd. 18/08/2023

Yatin Sushil Manjrekar

.....Complainant

V/S

B.E.S.&T. Undertaking

.....Respondent

Present

Chairman

Coram :

Shri S.A. Quazi, Chairman

Member

1. Smt. Anagha A. Acharekar, Independent Member
2. Smt. Manisha K. Daware, Technical Member

On behalf of the Respondent

- : 1. Shri S.S. Mairh
2. Smt. Pramila Nikale

On behalf of the Complainant

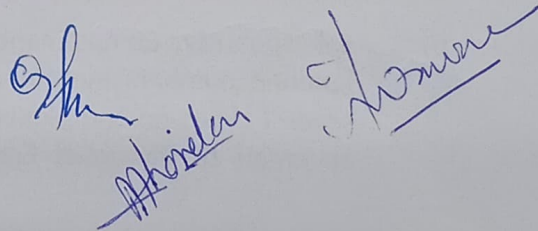
- : 1. Smt. Madhura Yatin Manjrekar

Date of Hearing

: 13/09/2023

Date of Order

: 06/10/2023



Judgment

- 1.0 The complainant Shri Yatin Sushil Manjrekar has filed this complaint expressing his grievance that on 22/05/2023 at about 1.00 pm the supply of electricity to his premises was disconnected by the Respondent / Distribution Licensee without giving notice before 15 days of disconnection of supply as provided u/s 56 of Electricity Act (E.A.), 2003 for non-payment of arrears of electricity bill. The complainant has thus requested to make an enquiry into this matter and take proper steps.
- 2.0 The following facts cannot said to be disputed:
- a) Shri Shushil L. Manjrekar is registered consumer as per the record of the Respondent / Distribution Licensee vide consumer no. 583-108-008.
 - b) The present complaint has been lodged before this Forum by one Shri Yatin S. Manjrekar. It is his case that he is son of the said registered consumer Shri Sushil Manjrekar. The complainant has filed in this proceeding a letter titled as "No Objection Certificate" dated 07/09/2023 issued by the registered consumer Shri Sushil Manjrekar. As per the said NOC the said complainant Shri Yatin Manjrekar is represented before this Forum by his wife Smt. Madhura Manjrekar.
- 3.0 The case of the complainant may be stated as under:
- a) According to the complainant, on 19/05/2023, the representative of Distribution Licensee from F/S ward visited the premises in question for recovery of the pending dues of electricity bill. He was instructed by his Assistant Ward Engineer, Shri Vivek Jadhav to proceed with the disconnection of supply of electricity to the said premises. However, he was not carrying any written notice neither any communication from F/S ward which was sent to the complainant either through email or in person before this visit. The said representative of the Distribution Licensee advised to the family of the consumer to make full payment of the arrears or to approach the ward office and then he left the premises. It is further contended in the complaint that the complainant understands that being a consumer, he was irregular towards making payment of charges for electricity consumption due to some unfortunate reasons and thus he was not in a position to make full payment by due dates. Hence, the arrears were pending for certain period of time however, partial payment was made as far as possible.
 - b) Subsequently, Complainant's wife Smt. Madhura tried to approach F/S ward over the landline numbers mentioned in the electricity bill. Despite contacting ward office several times no one picked up the calls. Hence, the wife of the complainant marked an email to Divisional Engineer to call back urgently or provide alternate contact

Shri Yatin S. Manjrekar
Shri Sushil L. Manjrekar
Shri Vivek Jadhav

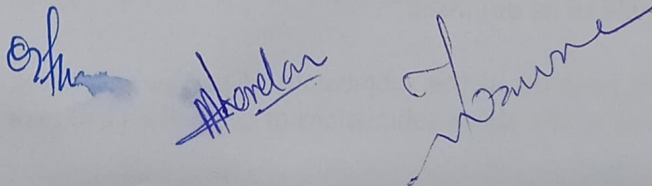
numbers so as to reach them. However, no positive response was received from ward office. On 22/05/2023 again the representative of F/S ward arrived complainant's residence for disconnection of supply and that too during office lunch time (1.15 pm.) and with no further discussion they immediately removed the meter and cut off the electric supply.

c) The complainant further submits that fortunately he was present at his residence and in no time he had to rush to the ward office and he waited there to meet the engineer. Finally he approached to Shri Vivek Jadhav, Assistant Ward Engineer though he was not ready to listen. Shri Jadhav was very rude and tried forcing the complainant to make full payment of the arrears. The complainant met Customer Care officers and asked about disconnection notice. He was unable to provide such notice and also mentioned that due to less manpower, the ward does not provide any written notice through email or in person. The complainant further submits that he requested Customer Care officer as well as the Divisional Engineer in writing to allow him to make 50% of arrears on the spot as well as remaining payment within a week. The Divisional Engineer accepted the same and assured reconnection of the supply within an hour. However, the supply was off till late evening i.e. 8.00 pm. Thereafter, the representative of the Respondent / Distribution Licensee arrived and restored the supply of the premises.

d) The complainant submits that in such a way the Respondent / Distribution Licensee's officials have caused major inconvenience to the complainant by disconnecting the electric supply to his premises without giving prior notice of 15 days as provided u/s 56 of Electricity Act, 2003 and clearly they have violated the provision of law. The representative of the complainant has submitted that for the aforesaid violation of provision of law and procedure regarding disconnection of supply, the complainant is entitled for reasonable compensation from the Respondent and accordingly the Respondent may be directed to pay the said compensation.

4.0 The Respondent/Distribution Licensee has filed its reply before this Forum and thereby opposed the aforesaid contention of the complainant mentioned in the complaint filed before this Forum. The case of the Respondent may be stated as under:

a) It appears that the consumer no. 583-108-027 was in the name of Smt. Manorama Laxman Manjrekar and meter was installed on 15/02/1989. On 31/10/2013, the change of name was done in favour of present registered consumer Shri Sushil Laxman Manjrekar. According to the Respondent, the present complainant Shri Yatin S. Manjrekar is neither a consumer of the Distribution Licensee nor he has attached any power of attorney or authority letter from the present consumer to represent the case before this Forum.



- b) According to the Respondent, the consumer is irregular in making payment of electricity bill since last three years. Further due to non-payment of electricity bill, automated disconnection notices were issued several times to the consumer. Those were notified to the consumer stating that his electric supply will be disconnected if dues are not paid within 15 days from the date of receiving the notice u/s 56 of E.A., 2003. The same is also intimated to the consumer through text messages from January 2022 to July 2023.
- c) In spite of repeated notices and text messages, the consumer neither made any payment nor paid any heed to the notices. Hence, as per the prevailing practice of the Distribution Licensee, its meter inspector visited the premises of the consumer on 19/05/2023 for disconnection. However, as per the assurance of the consumer to pay the outstanding bill within a day the meter was not disconnected on that day. Despite the said commitment no payment was made towards the outstanding electricity bill and the consumer also did not approach to the Customer Care Ward. Consequently, the Customer Care F/S ward proceeded with and carried out the disconnection of the off supply to the premises on 22/05/2023 and the meter was removed. After disconnection of the meter, the consumer approached to the Customer Care F/S ward, made partial payment and submitted written assurance regarding payment of remaining dues. Then meter was re-connected and supply was restored.
- d) In the course of advancing his arguments, the representative of the Respondent has stated that it is not true that no notice was given to the consumer before disconnection. In support of this submission, he has pointed out certain documents filed with the reply of the respondent from pg. 59/c to 65/c. He has submitted that Exhibit 23/c is a statement about the arrears and payment of the bills made by the consumer during the period from 28/12/2019 to 01/08/2023. This document has been pointed out by the representative of the Respondent to say that every time the complainant either failed to pay the amount of electricity bill or he used to pay some of the amount thereof and used keep the remaining amount of the bill as dues. This happened continuously during the aforesaid period of 2-3 years. The complainant's history of making irregular payment has prompted the Respondent to disconnect the supply as stated in the reply of the Respondent. It is submitted that the Respondent has not violated any procedure or law by disconnecting electric supply on 22.5.2023 and hence no question of granting any compensation to the complainant arises. Hence, the representative of the Respondent has submitted that the complaint is liable to be dismissed.
- 5.0 We have heard the submissions of parties and noted their submissions as above. In view of the above submissions of the parties and case pleaded by them, the following

points arise for determination, on which we record our findings as under, for the reasons to follow.

Sr. No.	Points for determination	Findings
1	Whether the Respondent has disconnected the electric supply on 22/05/2023, without giving notice to the complainant before 15 days of disconnection of electric supply?	In negative
2	Whether the complainant is entitled for compensation as claimed by him?	In negative
3	What order should be passed ?	The complaint is dismissed.

6.0 We record reasons for aforesaid findings as under:

- a) The representative of the complainant has submitted that it may be true that the consumer was having arrears towards charges electric supply. But as per the provisions of section 56 of E.A., 2003 it is mandatory that 15 days before disconnecting the supply, there should be a service of notice to the consumer. It is submitted that if without following mandatory procedure of law, disconnection was carried out by the Respondent, it will be assumed that the above provision of law has been violated by the Respondent/Distribution Licensee. As in the present case, by disconnecting the supply of electricity without serving notice before 15 days of disconnection the officials of the Respondent have violated the above mandatory provision of law. Therefore, the Representative of the complainant has submitted that the Respondent be directed to pay compensation as per rules and regulations.
- b) The representative of the Respondent has opposed the aforesaid contention.
- c) We have examined the submission of the Representatives of the parties together with the pleadings and documents filed by the parties on record as noted herein earlier. What we find is that it is not disputed by the parties that there were dues of electric charges and for non-payment thereof supply of electricity was disconnected on 22/05/2023. The dispute is only that the Respondent has disconnected the supply without giving prior notice of 15 days as per section 56 of E.A., 2003. We have perused the provision of section 56 of E.A., 2003. No doubt the said law provides that 15 days notice should be given to the consumer by the Distribution Licensee before disconnecting the supply for non-payment of dues of electricity. Thus, the crux of the present dispute lies in the issue as to whether the Respondent has disconnected the supply without giving any notice. In this regard we find substance in the submission of

[Handwritten signatures]

the representative of the Respondent that the document produced with their reply at pg. 23/c, 25/c & 27/c to 59/c supports the contention of the Respondent that the disconnection of the electric supply was not without any proper and prior notice.

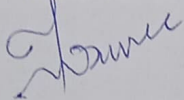
- d) The document at page 23/c of the reply of the Respondent shows that during the period from 28/12/2019 to 01/08/2023, the complainant never paid the exact amount of bills. At most of the time part of the bills used to be paid and remaining of bills used to remain as arrears during this period. Thus, it appears that in the month of May 2023, there were arrears of amount of Rs. 12,821.00. Ultimately on 19/05/2023, the employee of the Respondent visited the premises and demanded the payment of amount of arrears and informed the consumer that if the payment is not made, supply of power will be disconnected. Then on request of the consumer disconnection was postponed for further period. But ultimately, the supply was disconnected on 22/05/2023. It is not disputed that thereafter 50% of dues amounting to Rs. 5,368.00 were paid on 22/05/2023 and then on same day at about 8.00 pm the supply was restored. Thereafter, on 28/05/2023 the further amount of Rs. 5,368.00 was also paid and some amount of Rs. 2085.81.00 (arrears) + Rs. 1879.70 (current bill) = Total Rs. 3965.51 was due which was subsequently paid on 01/08/2023. Thus, the arrears were there when the supply was disconnected on 22/05/2023.
- e) The question is whether the supply was disconnected without giving prior notice. We have perused the record and documents produced by the Respondent. These documents are at 27/c to 49/c. There are notices regarding demand to pay the arrears and an intimation that else the supply would be disconnected. The representative of the complainant has submitted that none of these notices were served on the consumer. The representative of the Respondent submitted that with every electricity bill such notice is always sent and in the present case the bills and the said notices were sent online through email. The representative of the complainant has however denied that along with bills such notices were sent. However, we find merit in the submission of the representative of the Respondent that usually such notices were sent with bills to the consumer online and no hard copy used to be given to the consumer. We do not find any reason to discard the above submission of the Respondent. It appears that as an established practice bills used to be sent to the consumer on line and an exception to this rule was when a consumer requests to provide hard copy of bill instead of providing it on line. In the present case, before the disconnection was carried out, at no point of time the complainant lodged any demand to the Respondent that he wanted his bills in the form of hard copy. The complainant has not produced copy of any such request made by him in writing to the Respondent to provide hard copy of the bills and notices. Therefore, from the copies of the notices produced by the Respondent with its reply, it appears that such notices were sent to the complainant online. One of the copies of the notices is at 41/c dtd. 11/04/2023. In

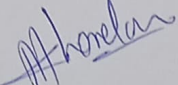
this notice, it is stated that Rs. 11,587/- was due and if it is not paid, the Respondent would be entitled to disconnect the supply. Thereafter, again on 12/05/2023 produced at page 43/c similar notice was given for payment of dues of Rs. 10,736/- At least the notice dated 11.4.2023 shows that it was issued more than 15 days before the aforesaid date 22.5.2023 of disconnection of supply. In view of these two notices we do not find any merit in the grievance of the complainant that no notice was given before disconnection of supply which was carried out on 22/05/2023. We do not find merits in the submission of the complainant that because complainant's e-mail address is not with the Respondent, it should be assumed that online-notice was not served to the consumer. The reason for discarding such contention of complainant is that when the complainant has not disputed that bills were served on consumer on line digitally, the service of demand notice digitally and on line to the registered consumer can also not be dispute by the complainant. When bills used to be served on lines, notices generally accompanied with bills can be presumed to have been served to the complainant on line too.

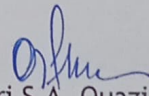
- f) For all the aforesaid reasons we hold that the complainant has failed to establish (i) that the disconnection of electric supply affected on 22/05/2023 was without giving prior notice and (ii) that the Respondent has violated provisions of section 56 of E.A., 2003. Therefore we have recorded negative findings on point no. (1).
- g) In view of above negative finding on point no. (1), we hold that the complainant is not entitled for any compensation as claimed by him. Hence we have recorded negative findings on point No.2.
- h) In view of above negative finding on point no. (1) and (2) recorded by us as above, we find that this complaint is liable to be dismissed. Accordingly, we have answered point no. (2) and we proceed to pass the following order:

ORDER

- 1.0 The grievance no. FS-015-2023 dtd. 18/08/2023 stands dismissed.
- 2.0 Copies of this order be given to all the concerned parties.


(Smt. Manisha K. Daware)
Technical Member


(Smt. Anagha A. Acharekar)
Independent Member


(Shri S.A. Quazi)
Chairman