

Respondents have been asking the Petitioner to come forward and meet them so that his grievance can be considered by the them. He submitted that however, the Petitioner never responded to the notice sent by them. He submitted that a fresh notice has been sent by the Respondents asking the Petitioner to remain present for hearing before the Grievance Cell on 5th May, 2017.

2. In our view, since the Respondents have decided to hear the Petitioner on merits and consider his contention on 5th May, 2017 it is not necessary to give any further direction in this petition. However, as per the provisions of Section 56 of the Electricity Act, 2003, the electricity charges which are due from the licensee for six months should calculated on the basis of average charge for electricity paid by him during the preceding six months till the pendency of the dispute. Section 56 (1) (b) of the said Act reads as under:

Section 56. (Disconnection of supply in default of payment): -- (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen

clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

(a) an amount equal to the sum claimed from him, or

“(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.”

3. The Petitioner accordingly shall pay six months average charges of electricity paid by him during the preceding six months before the date of hearing i.e. 5th May, 2017. The Grievance Cell of

Respondents shall give hearing to the Petitioner and take a decision on merits and in accordance with law. In the meantime, the electricity which is disconnected shall be restored. All contentions raised by the Petitioner in this petition are kept open. The petition is accordingly disposed of.

Sd/-
[C. V. BHADANG, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath