THE LAW CREST LLP

JUDGMENT ALERT

The Law Crest LLP Wins Case Against EKEDC for Unlawful Disconnection and Billing

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The Law Crest LLP has successfully represented Mr. Okechukwu Umemuo (the "Claimant") in a lawsuit against Eko Electricity Distribution PLC (EKEDC). The Claimant took EKEDC to court over the unlawful disconnection of electricity to his residence without giving any disconnection notice, and for continuing to send him estimated electricity bills even after the disconnection.

In the suit, the Claimant argued that under Nigerian electricity regulations, EKEDC must give a customer written notice before disconnecting electricity. He stated that EKEDC disconnected his supply without issuing such a notice, which made their actions unlawful.

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EKEDC, on its part, denied disconnecting the electricity. However, based on the evidence presented in court, the judge agreed with the Claimant that EKEDC did disconnect him and did so without following the proper legal process.

The court relied on the NERC Connection and Disconnection Procedures for Electricity Services, 2007, which states that before a disconnection, the electricity company must:

(I) Serve the customer a bill with a clear payment date.

(ii) Ensure the payment date is at least 10 working days from the date the bill was

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(iii) Confirm that the payment date has not been replaced by a newer bill with a later

(iv) Allow at least 3 months to pass after the payment due date.

(v) Give the customer a written warning that disconnection will occur if the bill is not paid.

The court found that EKEDC did not issue any such written warning to the Claimant. Furthermore, despite cutting off his electricity since 9 November 2017, EKEDC continued to send him estimated bills even though he was no longer receiving power. The court held that EKEDC had no right to bill him for electricity he did not consume.

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As a result, the court awarded damages in the Claimant's favour, including the cost of filing the suit.

This suit shows how important it is for electricity distribution companies to follow the due process before taking action against customers. Disconnection without notice is