

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date : 30/04/2007

Case No. 113

Hearing Dt. 24/04/2007 & 27/04/2007

**In the matter of wrong recovery, sanction of additional load and continued
billing even after permanent disconnection**

Shri Asad Ibrahim Khan

- Appellant

Vs.

MSEDCL, Bhiwandi

- Respondent

Present during the hearing

A - On the behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On the behalf of Appellant

- 1) Shri Shakeel Ansari, representative.

C - On the behalf of Respondent

- 1) Shri C.B. Patil, Accts. Officer, MSEDCL, Bhiwandi.

Preamble:

- 1) The appellant has a power loom industry at Bhiwandi, having consumer No. 013542149048. He is having sanction load of 10 HP. According to he had applied to the office of the utility to enhance the power load from 10 HP to 25 HP on 24/03/2004. On 15/12/2004, however he mentioned in this letter that no positive response was received by him from the utility, he is commissioning his power looms from January 2005. The utility detected the enhancement of load to 25 HP by the

appellant without approval of the utility. Accordingly, the utility imposed a penalty of Rs. 1,59,110/- in February 2005 bill. The Appellant consumer feels that he had made application to the utility well in advance for enhancement of load and despite reminder having received no response, he had enhanced the load and hence imposition of penalty is unjust and wrong.

2) His further grievance is that, a further penalty of Rs. 74,158/- was again imposed in August 2005 as capacitor penalty which is unjust and wrong.

3) He wrote a letter to utility on 10/01/2006 that his industry is closed due to recession and the meter has been shifted to utility's office. However, he continues to receive energy bills.

4) He applied in the prescribed form with all documents on 25/05/2006 to utility to enhance the load from 10 HP to 24 HP. However utility did not carry out any inspection or survey till date i.e. 13/03/2007.

The appellant has prayed that the above mentioned penalties be rectified and he be granted additional load as applied for.

The say of the utility :

1) The officials of the utility still could not complete the scrutiny of the load enhancement application. Such scrutiny is essential to check technical feasibility and capacity of transformer. Hence the request of enhancing the load could not be sanctioned so far.

2) The Officials of the utility checked the load in January 2005 and found it unauthorisedly enhanced from 10 HP to 25 HP and hence imposed load penalty of Rs. 1,59,110/- considering last six months. Again inspection was carried out on 2nd March 2005 and noticing the previous situation, penalty of Rs. 74,158/- was imposed. Utility accepts this double penalty is wrong and now they are rectifying it.

3) The permanent disconnection report submitted by consumer is not acceptable to the utility for the reasons that it is not out warded from section office, nor in warded

in sub-division and or division office. Also the names and designation of investigating staff, which is very essential for making or declaring of P.D. are not mentioned.

OBSERVATIONS

1) Utility has sanctioned a load of 10 HP to appellant's power loom unit. Consumer applied to utility for extension of load to 25 HP on 24/03/2004. Consumer informed utility that he is commissioning his factory from January 2005. The CPL readings also indicate this position of utilisation on 25 HP reflected in February 2005. The utility checked the connection on 13/01/2005 and confirmed this excess load drawal. It also observed that capacitor was not installed. Hence on both these counts penalty was imposed considering past six months is Rs. 1,59,110/-.

2) If the events in this case are seen chronologically, it is found that the appellant vide his letter dated 15/12/2004 informing the utility, that he is commissioning his factory from January 2005. This position was checked by utility on 13/01/2005 confirming this. Thus, it is clear that actual power consumption with 25 HP started only from January 2005. It does not seem logical or legal to impose penalty for past six months instead of one month same principle applies for capacitor penalty, since the total penalty of Rs. 1,59,110/- is for six months both as unauthorized enhancement of load and non installation of capacitor.

3) The installation was again checked on 22/03/2005 by utility and on noticing the extension of load to 25 HP was found previously. The utility again imposed penalty of Rs. 74,158.29 on the consumer. The Superintending Engineer vide his letter dtd. 27/04/2007 informed this Forum that charging the penalty of Rs. 74,158.29 was wrong and bill revision proposal is in process but not yet finalized.

4) As regards consumer's say put in January 2005 that his connection was permanently disconnected in November 2005, he continued to receive energy bills. However, from the perusal of CPL of this meter, this say is not substantiated since it shows energy consumption from August 2006 to Oct. 2006. Further, in Nov-06 CPL

indicates 'No Meter" and Dec-06 and Jan-07 shows meter inaccessible. This is strange, utility failed to produce any concrete/reliable documents to indicate permanent disconnection position as to when it was .

ORDER

- 1) Utility will not charge penalty to the consumer for unauthorised extension of load from June-2004 to Nov-2004, which amounts Rs. 1,59,110/-.
- 2) As admitted by the utility double penalty of Rs. 74,158.29 should be withdrawn.
- 3) Utility should consider P.D. date as Nov-06 indicating No meter status as such no further billing should be made. The same principle applies for IL (Cons. No. 013542081958/5)

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 27th of April 2007.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP**

**S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP**

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

**Ph. No. 25624315
25624316
25624322**

**Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078**

R.P.A.D.

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 117/

Date :

To

M/s. Grow Well Mercantile Pvt. Ltd.,
Plot No. 12, MIDC,
Taloja Ind. Estate,
TALOJA.

SUB : Decision issued in respect of case No. 117.

Dear Sir,

In response to the grievance put up by you with the Forum vide case No. 117 dt. 15/03/2007 hearing is completed on dated 20/04/2007 & the order passed on vide this office order No. 00051 dtd. 30/04/2007 is enclosed herewith for your information please.

Thanking you,

Yours faithfully

Encl : As above

SECRETARY
CGRF, MSEDCL,
BHANDUP

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c.s.w.r. to :

- 1) Chief Engineer (L.M.),
M.S.E.D.C.Ltd., H.O.,
Prakashgad, Bandra (E),
MUMBAI – 400 051.
- 2) The Chief Engineer, MSEDCL, BNDUZ, Bhandup.

Copy f.w.cs. to :

1. The Executive Engineer (Office) & Nodal Officer,
Consumer Grievance Internal Redressal Cell,
Office of the Superintending Engineer,
O&M Circle, MSEDCL, Vashi.

2. The Executive Engineer, O&M Division, MSEDCL, Panvel

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REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 113/

Date

R.P.A.D.

To

Shri Asad Ibrahim Khan,
P.N. 1, Khoni,
Rasulabad, **Bhiwandi – 421 302.**

SUB : Registration of your grievances dtd. 13/03/2007.

Dear Sir,

The grievance submitted by you is registered to this Forum vide Sr. No. 113, dtd. 13/03/2007 & hearing date is fixed on 24/04/2007 at 11.30 am. at the office of the Consumer Grievance Redressal Forum, Vidyut, Ground Floor, LBS Marg, Bhandup, Mumbai -78.

Therefore, it is requested to attend the hearing on the above date alongwith documents in support of your grievance. In case of failure to attend the hearing on the above date, this Forum shall decide the Grievance Ex-parte on merit which may please be noted.

Thanking you,

Yours faithfully

SECRETARY
CGRF, MSEDCL,
BHANDUP

c.s.w.r. to :

The Superintending Engineer i.e. Nodal Officer,
I.C.G.R.C., **Bhiwandi.**

-- He is requested to attend the hearing on the above date alongwith the concerned authority & the details of report related with the grievance of the consumer.

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MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

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MUMBAI - 400 078.□

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 117/

Date

To

The Nodal Officer & *Superintending Engineer.*
Consumer Grievance Internal Redressal Unit,
MSEDCL., **BHIWANDI.**

SUB : Submission of point wise compliance
in respect of case No. 113.

As per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 vide clause No. 6.12, the copy of grievance registered at Sr. No. 113 is being forwarded to your office for submission of issue wise compliance. The hearing date of the case is fixed on dated 24/04/2007 at 11.30 am. However, the Nodal Officer shall act as the co-ordinator for filing the reply, making submission, providing issue wise comments on the grievance, submitting compliance status / reports etc. Therefore it is requested to submit point wise compliance to this Forum in respect of the case in consultation with concerned authority within 15 days from the date of issue of this letter or one week before the date of hearing which ever is earlier.

The copy of compliance should also be provided by you to the consumer before hearing.

**SECRETARY
CGRF, MSEDCL,
BHANDUP**