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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No.108/2016

Hearing Dt. 17.01.2017

In the matter of Non compliance of MERC Directives

**Mr. khan Imtiyaz Ahmad Baddrudin & others** - **Applicant**

**Vs.**

**M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd.,** - **Respondent**

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Archana G. Sabnis, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

Shri. Shakeel Ansari

----- Consumer Representative.

**C - On behalf of Respondent No. 1**

1. Shri. S.K.Dope, Assistant Engineer, MSEDCL, Bhiwandi.
2. Mrs. Hemangi Mayekar, Assistant Manager, TPL

**Consumer No. 13212667425 and 8 other connection for power loom**

1. Above named complainant filed this complaint in against respondent utility alleging that copy of CPL not provided in spite of Bombay High Court hearing dated 25.10.2016. Consumer pray for giving direction to the respondent utility for

supply of copy of CPL and non complaint of MERC directives. Consumer filed references of all other consumer No. 1 to 9 jointly in this application and address to the respondent utility office alleging violation of 1)M.E.R.C Regulation 8.3 (SOP) 2005 2)M.E.R.C Regulation No.15.2.2 Electricity Supply Code and other condition of supply 2005 3)M.S.E.D.C.Ltd Circular No.214 dated 09/07/2014 and prayed for giving direction to the respondent utility for supply copy of CPL.

2. After filing this complaint in form schedule 'A' on 16.11.2016 notice was issued to the respondent utility. Respondent utility appeared and filed reply on 2nd December 2016 mentioning that consumer khan Imtiyaz Ahmad Baddrudin having service number 13212667425 made grievance against the respondent utility. Respondent utility submitted that this consumer not approach to IGRC Cell and violated Regulation No. 6.2 and therefore grievance shall not entertain the dispute unless the dispute is solve and redress by IGRC Cell. It is submitted by respondent utility M/s. TPL that under MERC Regulation No.8.3 section 181(2)(d)of Electricity Act,2003 this does not mention providing copy of CPL to the consumer. There is no violation of regulation No.15.2.2 and no willful contravention is made by utility of Circular No.214/09.07.2014. It submitted by respondent utility M/s. TPL company that representative complaint made by this consumer along with 1 to 8 others. The representative complaint cannot be entertained as there is no such procedure. The grievance made along with 8 other person having dues huge amount against their name and against connection is already disconnected under 56 I.E.A for the reason of nonpayment of large payment due arrears not paid. Therefore entertaining such complaint directly by the Forum is not required therefore the complaint is liable to be rejected with cost.

3. Consumer grievance and respondent utility reply is perused at the subsequent hearing Mr. Pravin Thakkar appeared with the consent of Mr. Shakeel Ansari. I have allowed the prayer and representation of consumer through Mr.Privin

Thakkar was heard and respondent utility representative M/e. TPI was present. It appears that this consumer taken all responsibility along with 8 other consumer and made representation directly to this Forum. There is clear violation of Regulation No.6.2 which reads as under *“Provided also that the intimation given to officials (who are not part the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purposes these Regulations unless such officials forthwith direct the consumer the IGR Cell”*.

4. Respondent utility properly pointed out that as per Regulation No.6.7(b which read as” *The Forum shall not entertain a Grievance:*  
*(b) unless the consumer is aggrieved on account of his Grievance being not redressed by the IGR Cell within the period set out in these Regulations;”*

5. As mention the Forum shall not entertain the grievance unless it is redress by IGRC within the period of set out under this regulation. Hence consumer complaint along with 8 other for want of proper procedure required to be dismiss with cost. The allegation of demanding copy CPL is found general complaint made by representative out of his frustration There is no procedure of combine complaint can be entertain by this Forum jointly. It appears to the Forum that attempt to try to seek interim of order directly from this Forum this practice is required to be highly condemn with direction to the consumer representative not to repeat such mistake again and followed the due procedure as per law. I found no substance in allegation made by this consumer against the utility therefore I am not inclined to attend such complaint against. Hence, I proceed to pass following order.

## **ORDER**

The consumer complaints No. 108/2016 along with 8 others stand dismiss with cost.

Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS**  
MEMBER  
CGRF, BHANDUP

**SHRI. ANIL P. BHATHANKAR**  
CHAIRPERSON  
CGRF, BHANDUP

**SHRI. R.S. AVHAD**  
MEMBER SECRETARY  
CGRF, BHANDUP

