

PHONE NO. : 25664314
FAX NO. 26470953
Email: cgrfbhandupz@gmail.com
Website: www.mahadiscom.in

Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg, Bhandup (W),
Mumbai – 400078.

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

Date

Case No.110/2016

Hearing Dt. 17.01.2017

In the matter of restoration of supply and Non compliance of MERC Directives

Mr. Shaikh Rukhsana Faizan

-

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

1. Shri. Shakeel Ansari - Consumer Representative.

C - On behalf of Respondent No. 1

1. Mrs. Hemangi Mayekar, Assistant Manager, TPL

Consumer No. 13125390565

1. Above named complainant filed this complaint in against respondent utility alleging that i) Bogus vigilance cases have been lodged as following details mention

A) Vigilance case Dates 14/5/2015 B) Vigilance case Dates 16/9/2015 C)
Vigilance case Dates 14/12/2015

ii) Disconnection of supply without mandatory notice 15 days done twice
iii) Non compliance of electricity act 2003 under section 56 and Sub-(II) and violation of 1)M.E.R.C Regulation 8.3 (SOP) 2005 ii)M.E.R.C Regulation No.15.2.2 Electricity Supply Code and other condition of supply 2005 iii)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 and interim order for restoration of power supply .

2. After filing this complaint in 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 Mr. Shaikh Rukhsana Faizan having service 13125390565 made grievances 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.
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/s. TPI was present.. 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 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;”as mention the Forum shall not entertain the grievance unless it is redress by IGRC within the period of set under this regulation .
5. The respondent utility also submitted that the applicant raised grievance related to vigilance cases booked on service no 13125390956 and disconnect the supply for nonpayment of dues and respondent also submitted that as per Regulation 6.8 of Maharashtra state Electricity Distribution Regulatory commission(Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 which is read as”*If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:*
(a) unauthorized use of electricity as provided under section 126 of the Act;
(b) offences and penalties as provided under sections 135 to 139 of the Act;
(c) accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and
(d) recovery of arrears where the bill amount is not disputed.”
6. The respondent utility submit that supply disconnected for huge due amount non-payment by consumer Therefore entertaining such complaint directly by the Forum is not required therefore the complaint is liable to be rejected with cost. 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 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. It appears to the Forum that attempt to try

to seek interim order directly from this Forum this practice is required to be highly condemned with direction to the consumer representative not to repeat such mistake again and followed the due procedure as per law.

7. It appears from the reply and own contention of consumer that the vigilance case as mention in letter date 14.11.2016 is already pending against the consumer. It is alleged by the consumer this cases are false mentioning illegal fact and therefore action taken by respondent utility is unwarranted and recovery is illegal. It appears form the recital of own contention of consumer admittedly there are vigilance consumer pending against both the consumer. Status of those cases are verified in the fair interest of justice I gave opportunity to both the consumer to approach before vigilance cell or take the benefit of amnesty scheme and postponed the hearing from considerable fact. On last hearing it is submitted by respondent utility authority that consumer not avail they said opportunity. Therefore I required to deicide both the complain on merit as against the both consumer theft energy cases under section 135 I.E.A. 2003 FIR is already filed on two date 9.06.2015 and 08.01.2016 and matter is subjudice before appropriate authority this fact is verified form the document produce by respondent utility. In view of the provision there is bar to the Forum from entertaining the dispute in case of Regulation No.6.8 which reads as under”*If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:*

(b) offences and penalties as provided under sections 135 to 139 of the Act;”

”

8. Therefore this Forum cannot entertain the complaint for want of jurisdiction and also consumer directly approach to the Forum and violated regulation No.6.2

and procedure of Regulation 6.7 not followed by the consumer on both the grounds I am not inclined to allowed the consumer for want of jurisdiction and also not following proper procedure. Hence, both the complaint of consumer stands dismiss with cost. I proceed to pass following order.

ORDER

The consumer complaints No. 110/2016 stand dismissed 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

