

(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 274

Date: 16.01.2018

Hearing Date: 09.01.2018

CASE NO. 47/2017

IN THE MATTER OF RESTORATION OF POWER SUPPLY

Mr. Ansari Bismillah Asgar,

H.No.290/9,

Samrubaugh,

Bhiwandi-421302.

(Consumer No. 13014046687)

. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited

through its Nodal

Officer,

Bhiwandi Circle,

Bhiwandi

. . . . (Hereinafter referred as Licensee)

Appearance : For

Licensee

For Consumer –

Mrs. Hemangi Mayekar, Assist. Manager, TPL.

Mrs. Savita Bhatia AGM, TPL.

Shri. Sajid Ansari (Representative)

Shri. Punjabi Adel.

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary

and Vacant - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred

as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. Maharashtra Electricity.

2. The consumer herein is Mr. Ansari Bismilla Asgar Consumer No. 130140466879 Power Loom MP). He alleges that M/s. Torrent Power Ltd., on 12.09.2017 illegality disconnected and removed the meter in high handed manner without serving any notice in advance, not issuing any disconnection memo till date. M/s Torrent Power Ltd. refused to accept the dues of the said connection and reconnect the supply and forced the consumer to pay the arrears pending in respect of another connection bearing Consumer No. 13010105930. Consumer under mental tension got mislead and confused and in a haste issued a cheque on the said connection consumer No. 13010105930. He contends that the said consumer number. was not concerning him. When he realised his blunder. The made stop payment of the said cheque. The consumer contends that the demand of the company "amounts to illegal and criminal and extortionist attitude with administrative agenda basic and fundamental system to harass the honest sincere and loyal customers of Bhiwandi franchise area". Consumer contends that his connection is consumer No. 1301404007 (power Loom MP), Address Mr. Ansari Bismillah Asgar,H.No.290/9, Samrubaugh, Bhiwandi-421302. The other consumer no is 13010105930 (power Loom MP) is the name of Munir Ah As Ansari and even the address is different.

3. Consumer prays that his meter and connection be immediately restored. The pending dues in respect of his meter be accepted. Consumer also demands compensation for the losses suffered. Concerned officer be penalised.
4. M/s. Torrent Power Ltd., filed reply dated 05.01.2018. It is contended that consumer has not routed the matter through proper channel viz IGRC. It is further the contention that there was no dispute raised by the consumer in respect of the dues, as such as per 6.8 MERC (Consumer Grievance Redressed Forum and Electricity Ombudsman Regulations 2006 this Forum has no jurisdiction to entertain the present grievance.
5. The company further contention that consumer No. 13014046687 was relevant on 14.11.2014 for the purpose of commercial water pump with the sanctioned load of 4 KW i.e. 5.36. H.P. Further the consumer applied for extension of additional load of 21.64 H.P in the same premises for power loom purpose on 05.06.2017 (total load after extension 27HP) .Based on the application site visit was carried out and it was observed that the premises was used for power loom activity and the tariff category was charged accordingly, notice of disconnection was issued for non-payment of due on 3-5-2017 and disconnection was done on 18.08.2017. Further due to irregular payments, repeated dishonours and pending dues, application for extension was not processed. Consumer is having outstanding bill amount for service no. 13014046687 of Rs. 2, 28,790/-.
6. So far as service No. 13010105930 is concerned the company seeks to inform that it was sanctioned in the name of Munir Ah As Ansari for the purpose of power loom on 01 Jan 1986 with sanctioned load of 25 HP, wherein ID proof driving license given was of Ansari Bissmisslah Asgar which is applicant's name. The documents is both the above referred services pertain to the same individual Mr. Ansari Bismillah Asgar. Thus the contention of the present consumer that earlier service no. 13010105930 was not concerned with him is false. The consumption of the

two referred services shows that the consumer applied for new connection at the same premises in Nov. 2014 when he had accumulated large dues in his old running power loom services. Consumer applied for connection for water pump purpose in a different name with malafide intention of deceiving the company. Based on the above referred details utility/ company contends that the consumer is misleading the utility to avoid paying pending dues.

We have heard both sides. At the outset it can be seen that there are some serious allegations levelled against the consumer by the utility company to which there is absolutely no whisper from the consumer by way of a rejoinder. There are some grave facts stated with documents produced. It is pointed out from documents produced and submitted that there are four brother including consumer. Asgar Ali Ansari is their father. The connection 13010105430 was admittedly in the name of Munir his son, i.e. one of the four brothers. For his identify documents produced were of present consumer, brother Ansari Bismilla Asgar Ali. There is no explanation by way of a rejoinder saying that there are two power looms on the said premises, and that of the present consumer Bismillah is different. In these premises on behalf of utility company it was submitted that a modus operandi was employed by first obtaining a new connection for other purpose and load was got extended for it and power loom were operated on. Issuing of cheque appears to be not the blunder but stopping payment an afterthought.

Opponent utility company requiring revenue to run the business, cannot afford such loss of revenue .There is some grey area as to how second connection was given, commercial though when there were dues in the first one. They are all to be investigated by the company. But in the above detected facts it is very difficult to invoke jurisdiction of the Forum to grant relief to the present consumer.

Hence order.

ORDER

Grievance is dismissed.

Both the parties should be informed accordingly.

The compliance should be report within one week.

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

Note:

1) 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

**ANANT M. GARDE
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**