

Preamble: -

Shri Ansari Mohd. Zeeshan Ahsan Ullah is a 3 phase power loom consumer at house no. 1597 Nagaon- II Bhiwandi, having consumer no 1301322547.

As claimed by M/s. Torrent Power Ltd., there were old arrears on connection no. 13012040452 of ` 733874.20 and on connection no. 13012040444 `48709.57 which are disconnected due to non-payment of these arrears. However consumer has taken new connections bearing nos. 13013022547 and 13013022555 in the same premises without clearing old arrears and hence M/s. TPL has disconnected his supply. Aggrieved of this, consumer approach to the IGRC but got no relief and hence filed his grievance to this Forum for restoration of his power supply. Accordingly the case was registered vide no. 379 and hearing was fixed on 28/07/2011.

Consumer's Say: -

Shri Sajid Ansari was present to represent the consumer. He stated as under:

- 1) On 29/07/2010 M/s. Torrent Power Limited (for the sake of brevity, referred hereto as M/s. TPL) disconnected his power supply and removed his meter without any prior legal notice. As per rule, He is entitled to approach the CGRF for redressal of his grievance. However, M/s. Torrent power Ltd. creating hardship, inconvenience and mental distress and monetary loss to him.
- 2) During the hearing the Appellant had requested the copy of the I.G.R.Cell letter no. SE/ BWD/ No RTI/ 0640 dated 03/05/2010; which was though introduced, he had no intimation or details of this letter.

But unfortunately no copy of the above referred letter has been given to him.

3) He had requested M/s. TPL during the hearing of the I.C.R. Cell for all the mandatory documents required for installation of meters like (1) house tax receipt (2) ID Proof. (3) Ration Card, (4) N.O.C of the landlord, (5) No arrears undertaking etc. with reference to consumer no. 13012040452 and consumer no. 13012040444. He had requested for these documents as they would have clarified status of these 2 meters. But surprisingly M/s. TPL has not provided the same till date, which he insisted to note.

4) The consumer numbers installed in his neighboring premises are

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|----|-------------|----|-------------|
| 1. | 13010925503 | 2. | 13012018210 |
| 3. | 13010915338 | 4. | 13010915345 |
| 5. | 13012079571 | 6. | 13012018627 |
| 7. | 13012018635 | | |

All the above consumer numbers are situated at house no. 1597/49, where as his consumer No. 13013022547 is installed at house no. 1597.

5) As per letter no. TPL BHI/ RTI/ 00116 dated June 30, 2010 in which it has been specifically confirmed by the Vice President of M/s. TPL that his meter (Consumer No. 13013022547 was disconnected and removed from House No. 1597 only. This elaborately proves that he is neither indulged in any malpractice nor has any malafide intention as alleged in the referred letter.

6) He further stated that sanctioned load and connected load of consumer number 13012040452 is 26 HP and sanctioned load and

connected load of consumer no. 13012040444 is 0.40 KW. On the other hand, the sanctioned load and connected load of consumer number 13013022517 is only 9 HP; which may please be noted. The working space required for one pair of power loom is 11 ft. X11 ft. viz. 121 sq. ft. He has 4 pairs of power looms and one kandi machine and his premises space is 55 ft. X 12 ft. viz. 660 sq. ft. this further proves false allegations leveled for using of excess load in the referred letter.

7) During the hearing of I.G.R. Cell it has expressed stated that his responsibility for payment of pending arrears was related and restricted to house 1597 only and he is not bound to pay for house no. 1597/49 or any other, excepting his own house no. 1597. After intelligently verifying the basic mode of facts M/s. TPL is confusing and misleading the Honorable Forum by misrepresentation and twisting the actual facts to suit their convenience and based on their assumptions and presumptions, which please be seriously noted.

8) M/s. Torrent Power Ltd. is absolutely and definitely misguiding the Honorable Forum regarding the allegations of settlement of MSEDCL's arrears.

9) As per the Respondent's statement that consumer numbers 1301204452 and 13012040444 were both "Missing & inaccessible; clearly reflects their negligent system of working and their irresponsible ways of ascertain grossly misleading the Honorable Forum. Whether the utility has lodged any F.R.I ? If so, they should produce the copy before the Hon'ble Forum.

Prayer of consumer Representative :-

Based on the above referred facts elucidated and enclosed, it is humbly requested that:-

- 1) Interim order be granted to restore his power supply at the earliest.
- 2) The Respondent be directed to provided him with all the documents requested for installation of meters (viz. house tax receipt, ID proof, Ration card, land lord NOC. etc,) to prove the authenticity of his claims regarding consumer no. 13012040452 and 13012040444 at the very earliest.
- 3) The Respondent be directed to provide all documents pertaining to (1) copy of undertaking of consumer no. 13013022457 (2) copy of the letter no. SE/ BWD/ NO/ RTI 0640 dated 03/05/2010.

Utility's Say :-

On behalf of utility i.e. M/s. Torrent Power Ltd. Shri Jeevan Clerk, Dy. Manager, T.P.L., Shri S.R. Yadav, Smt. Snehal Rajput were present to represent the case.

They stated that the present case should have been filed in the ICGRC, and on this ground the Forum should dismiss the case.

They further stated that on receipt of the letter from Nodal officer, Bhiwandi vide letter no. SE/ BWD/ NO RTI/ 0540 dated 03/05/2010 regarding information for service no. 13013022547 (3 ph. Power loom) & 13013022555 (1 ph power loom) a joint inspection with MSEDCL officials for a detail investigation was carried out and it was observed that:

On 17/11/1993 the MSEDCL released service in the name of Shri R.Q. Ansari at house 1597/49 Nagaon- II, Bhiwandi, service number 13012040452 (3 ph power loom) & 13012040444 (1ph power

loom Ltd.) vide meter number M-10010769 & M- 10009886 respectively.

The service numbers 13010925503 (3ph power loom) & 13012018010 (3 ph power loom) were in existence in neighboring premises in the same route at the above mentioned service numbers (13012040452 & 130120404444) which was also confirmed from the route reading for March-07 received from the MSEDCL (copy attached).

They further added that there were huge MSEDCL arrears on service no. 13012040452 (3 ph power loom) for Rs. 733874.02 and ` 48709.57 on service no. 130120404444 (1ph power loom). Status of both these services from the time of take-over was Ins. Ass. (Inaccessible Service) and both meters were found missing from the above said location, from the time of take over.

Also during the visit, consumer representative was informed to settle the MSEDCL's arrears.

Further the consumer has misguided the company and applied for the new connection on 25/08/2007. On receipt of the necessary charges for new connection and on submission of the relevant documents, the connection for service no. 13013022547 was released at the above said location. The neighboring services of this new connection were 13010925503 & 13012018210.

They further insisted that the consumer has demanded the new connection at the same address with the wrongful act and with malafied intention to forego the old connection no. 13012040452 (3ph power loom) & 13012040444 (1 ph power loom Ltd.) along with its arrears.

The company further submits that while taking new connection consumer has submitted an undertaking as "if any arrears are pending on the same premise either of MSEDCL or of TPL, the company shall disconnect the supply without giving any type of notice to the consumer". Hence, based on the same on 29/07/2010 with due intimation company has removed the meters for above said services 13013022547 (3ph power loom) & 13013022555 (1 ph power loom Ltd.) from the above said address.

During the consecutive visits of consumer/ consumer representative to our office for reconnection of services, he repeatedly informed for settlement of arrears but instead of setting/ paying the arrears he directly approached before Hon'ble CGRF.

The utility has requested before this Forum to dismiss the said complaint with cost.

Observation :-

The matter was heard on 28/07/2011. Both the parties were present to represent the case.

The documents on record and the arguments during hearing reveal that the Respondent has disconnected the power supply for non payment of arrears of old connection in the name of Shri R.Q. Ansari at house no. 1597/49 but failed to provide the mandatory disconnection notice as per E.A. 2003, section 56 (1) . However consumer representative did not insist for the any penal charges and compensation during the hearing. Respondent tried to draw the attention towards the under taking submitted by the consumer allowing the utility to disconnect his power supply in case of arrears

without any notice, but the Forum cannot agree with. The E. A. 2003 clearly says that before disconnection of power supply it is mandatory to issue clear 15 days notice as an intimation with the reasoning thereof . It is also observed that the respondent has not taken not due care and proper survey before sanctioning or release of new connections. This is gross negligence on the part of the Respondent. Hence stern action should be taken against the employee for wrong release of connection.

The Forum observed that the meter is found missing during the take-over period from MSEDCL to M/s. TPL. The history shows that such case are found in large number filed the before this Forum. It is also seen that meter being in the consumer's custody consumer should have filed the police report for loss of meter but as per Respondent's submission no such F.I.R. has been filed for loss of these meters, which makes the matter charier.

From the submission of the Respondent it is clear that meter sr. no. M 100010769 and M 00009886 for the connection 13012040452 and 130120404444 were in the name of Shri R.Q. Ansari but the Respondent did not taken due action and continued billing with inaccessible status. Also instead of such action, the Respondent granted new connection without recovery of arrears.

It is also seen that the Appellant was paying electric charges regularly for the existing connections.

Though the utility has not produced any proof like tax receipt issued by the local Corporation for the house number 1597 where the existing connections are running,

To substantiate the claim of old arrears on the same premises, the utility has produced the joint survey report (i.e. MSEDCL officials 7 TPL officials jointly) and also the application received under RTI Act 2005 informing the utility for the old arrears on the same premises where new connections are released. As there is no strong reason to disregard the joint survey report, the Forum has no other alternative than to rely on the joint survey report and information of third party and RTI. Thus, the Forum has arrived at the conclusion that there were old connections which are holding arrears, due to which they were disconnected. Hence the Forum holds that the same should be recovered along with relevant interest before restoration of however supply.

ORDER.

- 1) As elaborated above, consumer should clear the old arrears up to date and the Respondent should restore the power supply on its recovery.
- 2) The Respondent should provide all documents requested in the prayer of the Appellant within a period of one week from the receipt of this order.

No order as to cost.

Both the parties should be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 06/09/2011.

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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP