

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

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

Date:

Case No. 195

Hearing Dt. 16/06/2008 &
24/07/2008

In the matter of Bill Revision.

**Shri. Vinod Kumar Uttamal Shah
Smt. Nayna DilipKumar Shah
Smt.Chetna VijayKumar Shah
Bhiwandi**

- Applicants

Vs.

**Torrent Power Ltd (Franchise of MSEDCL)
Bhiwandi.**

- Opponent

Present during the hearing

A - On 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 behalf of Consumer

- 1) Shri Shakeel Ansari (Consumer Representative).

C - On behalf of Utility

- 1) Shri R.P.Chaudhary Ex.Engr.& Nodal officer MSEDCL.
- 2) Shri M.S. Kele. -Manager M/s. Torrent Power Ltd.

Preamble

The applicants have filed their grievance before the Forum on 13/06/2008. Requesting for immediate intervene and restrain the opponent to disconnect the electricity supply at Bhiwandi. In view of urgency date for an interim hearing has held on 16/06/2008 before the Forum when the representative of the consumer and the utility (opponent) were present.

The case in brief is that the opponent utility has demanded the energy dues for the supply given to the applicant and the consumer had ignored this and failed to make the payment of sizable amount for quite sometime. Hence they have been served with notice of disconnection of supply in case the energy bill payment is not received in stipulated time. Basically sudden malpractices have been noticed by the utility in respect of electrical meters installed by the utility in the premise of the applicants. In the course of hearing both the parties requested to grant time to both of them sometime to examine the technical and accounting record of these three connections. The same time the utility has been very keen on receiving at least part payment of the arrears.

After the deliberation by both the parties they agreed with Forum's suggestion as under,

- 1) The applicant will pay to utility immediately full current bill and 50% assessed bill.
- 2) On such payment as per above (1) The opponent agreed not to disconnect electric connections. These deliberations have been recorded by the CGRF and have been signed by both the parties present.
- 3) The next date of hearing on 23/06/2008 it was revealed that applicants consumer had not made any payment despite C.G.R.F's clear order dated 16/06/2008. The utility was therefore advised by the Forum to take legal steps for recovery of their dues and the next hearing date was fixed on 24/07/2008 at the request of consumer representative Shri Shakeel Ansari since he had met with an accident.

On 24/07/2008, utility submitted its say with inspection documents. The copies of which given to consumer representative during the hearing and going through utility's say following shocking facts have been revealed.

1) Shri Vinod Kumar U. Shah, who has said to have been signed Annexure A and submitted to the Forum on 13/06/2008 had expired. In the month of March 2008 i.e. before filling of application to the Forum his signature is clearly forged by someone else.

2) Applicant no 2nd & 3rd Smt. Nayand Dilipkumar Shah and Smt. Chetana Vijaykumar Shah have not signed the annexure A submitted although their names have been mentioned as consumer.

3) Letter submitted on dt.15/07/2008 to the Forum by Shri Vinodkumar Shah, Smt. Chetana Vijaykumar Shah and Smt. Nayana Dilipkumar Shah as a say for final hearing has been signed by one Shri Paresh Jeevanlal Mehata for above three consumers (One of them Shri Vinod kumar U. Shah already expired). Moreover the relation of this signatory to the business is not explained any where on record neither any authority letter is produced.

4) While going through the inspection report submitted by utility of dated 2/3/2007 which is signed by Shri Vipul Khandelwal, dt 28/01/2008 signed by Mahendrabhai khandelwal, dated 18/06/2008 signed by Shri Bansilal B. Khandelwal all claiming to be representative of respt. owner / consumer's. However their relation have not been clearly established and proved.

5) From all the three above dated inspections there is a gross dishonesty on the part of the user seen such as

- a) Tampering of meter seals.
- b) Change of purpose of power used from power loom to LTPG.
- c) Illegal shifting of meters without the knowledge of utility.
- d) Taking direct power supply without connecting to the meter.
- e) Unauthorized extension of load for exceeding the sanctioned load.

The above illegality observed under section 135 of E.A. 2003, it was open for the utility to file a Police complaint in this behalf. However it preferred to charge assessment against theft with penalty as per provisions of Section 135 of E.A. 2003.

6) On behest of the Forum the consumer representative was asked to confirm whether the main applicant in Annexure A Shri Vinod kumar Shah is alive as alleged by the utility. The consumer representative (Shri Shakeel Ansari) had no alternative but to produce a copy of the death certificate issued by municipal corporation of Greater Mumbai which mentioned the date of death of Shri Vinodkumar U. Shah as 26/03/2008. Shri Ansari had submitted the copy of this certificate along with his rejoinder on 13/08/2008.

ORDER

1) From the facts discussed in details about the case is enough to indicate dishonest behavior of the applicant most significantly they have dared to forge the signature of Shri Vinodkumar U. Shah who was expired 23/03/2008 but his signature on his application is shown dated 13/06/2008 and other correspondence said to have been signed after his death. In these circumstances and considering dishonesty of the consumers under section 135 of E.A. 2003. This Forum holds that the matter does not fall under the jurisdiction of this forum [As per Section 6.8 (B) of MERC (CGRF) and electricity ombudsman regulation 2006]. The case there fore stands dismissed.

2) The CGRF has also observed with great annoyance the role-played by the consumer representative Shri Shakeel Ansari, Hon. Secretary, Maharashtra Electricity consumer association, Forum feels that he should not have hidden the fact that the signature of the main applicant Shri Vinodkumar U.Shah had been forged after his death on number of letters / application. This is a criminal act and Forum directs him to be careful after dealing with such matters. The case was delayed because the consumer representative submitted a copy of death certificate and rejoinder on 13/08/2008.

Both the parties 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 5th September 2008.

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.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP