

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

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

Date:

Case No. 224

Hearing Dt. 12/11/2008

In the matter of illegal removal of meter and disconnecting the supply

Shri Rajeshkumar H. Sejpal

- Appellant

Vs.

MSEDCL (TPL) -Bhiwandi

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M. Chavan, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of consumer

- 1) Shri R.H. Sejpal, Consumer
- 2) Shri J.H. Sejpal, Consumer's brother.

C - On behalf of Utility

- 1) Shri Choudhary, Ex. Engr. & Nodal Officer, Bhiwandi
- 3) Shri Paresh Bhagwat, Manager M/s. Torrent Power Ltd.
- 4) Shri Gautam, Legal Advisor, M/s. Torrent Power Ltd.

Preamble :

Consumer registered his grievance with this Forum on 10/10/2008 vide case No. 224. He made an appeal to Forum against the decision of ICGRC (TPL) by reference no. Chairman/TPL/ICGRC/BWD/Case No. 41/81, dtd. 20th August 2008. The applicant filed his grievance for illegal removal of meter and disconnecting the supply. Hence he suffered a loss of Rs. 15,00,000/- to the factory due to non replacement of electric meter.

Consumer's say :

- 1) Shri R.H. Sejpal is having L.T.P.G. electric connection at H.No. 37, Zulelal Compound, Kalyan Road, Nagon, Bhiwandi with 19 HP sanctioned and connected load, having consumer no. 13012021245.
- 2) M/s. Torrent Power Ltd. removed his meter (No. 43201693) on 31/05/2007 under the scheme of mass meter replacement. TPL did not issue a new meter to the consumer because of non availability of the same at that time cable of the meter was also removed by TPL.
- 3) TPL did not installed a new meter till date as there was no reason for that
- 4) Instead of providing new meter, utility had served them the bills on average basis with huge amount. Consumer registered his complaint orally to the utility but no cognizance was taken by TPL, hence he gave a written complaint to TPL, TPL suggested them for permanent disconnection. Hence we applied for P.D. to utility on 06/02/2008 and 12/05/2008, but no action was taken.
- 5) At last we registered our complaint to ICGRU (TPL) on 30/06/2008, TPL passed the order for withdrawing of average bills onwards May-2007, TPL also ordered for installation of meter with requisite charges.

6) As utility had not provided the meter and had not reconnected the supply, which resulted in rusting of machinery due to non-use, thus causing a financial loss of Rs. 15,00,000/-.

7) During the hearing, consumer asked for change of tariff from LTPG to power loom. He also wants to shift his meter from his premises to another premises and also rectify the bills considering power loom.

Prayer of the consumer :

- 1) Consumer wants to change his tariff category from LT PG to power loom.
- 2) He wants to shift his meter from his premises to another premise.
- 3) To install a new meter without taking any charges and reconnect the supply immediately.
- 4) As TPL had not provided them the meter in time, they suffered a heavy loss in the factory. Applicant demands for Rs. 15,00,000/- as compensation with interest thereon.

Utility Say :

- 1) Consumer raised some new points, which were not discussed in ICGRU for example reconnecting of power and change of tariff. Hence these issues should not be entertained by the Forum.
- 2) As per ICGRU's order company reversed all the bill which were charged on average basis from June-2007 and gave a credit of Rs. 10,603/- including interest on arrears.
- 3) Company removed applicant's meter in MMR scheme on 31/05/2008, when technician went to install a new meter, the factory was closed and thus the new meter could not be installed.

4) When consumer's meter was removed on 31/05/2008 final reading of the meter was 58102 and from MSEDCL company (TPL) received the final reading as 57990 units. Hence it was not possible the reading as on 03/10/2007 as 54924

5) Applicant's main issue was for reversal of his bills due to clouser of his factory because of recession. Thus the case of complainant was that the company had taken away the meter of the consumer and failed to replace the same, because of which the consumer had to keep premises closed and suffer huge losses does not stands. Not only that consumer raised the issued of compensation firstly to CGRF. Hence, company prays that the issue of compensation may not be granted.

6) Consumer's meter was taken away on 31/05/2008 and due to clouser of his factory, company could not install (replaced) the same. As per complainant's letter given to utility dtd. 06/02/2008, asking for permanent disconnection the said connection be treated as P.D. but inadvertently as the same was not put on the record of the software of the company. Thus from 06/02/2008 the said consumer was P.D. by the company on insistence of consumer. Thus issue of reconnection cannot be entertained and fresh connection can be granted to the consumer after making necessary payment for the same.

Even if consumer wants the same meter to be installed in the same premises, consumer has to pay minimum charges considering the connection alive.

7) Consumer's appeal for the change of tariff is also new issue, which was not raised in ICGRU. The complainant never made an application for change of tariff. Hence it should not be entertained.

Observations & Order

As per utility's compliance, they argued that consumer raised some new points, which were not discussed in ICGRU, but Forum feels that it is not true.

Consumer submitted two letters on 01/09/2008 and 07/08/2008 to ICGRU where all the points were raised by the consumer.

After the deliberation of both the parties, the facts of the case it is clear that consumer had never intended for restoration of supply. His factory was closed due to slackness in the market.

The main intention of the consumer is that to rectify the bills, which he was receiving on average basis. Accordingly ICGRU, TPL had issued an order to squash the bills from June-2007, but upto May-2007, consumer was receiving the bills as per meter reading, hence he should pay the amount of Rs. 1210/- upto May-2007.

Second point of ICGRU's order was that if the consumer wants meter to be connected, it should be connected by making requisite charges but this intention of the utility is not reasonable or proper as it was not fault of consumer that his old meter was not replaced during the MMR drive. Hence utility should install a new meter to the consumer without taking any applicable charges.

The consumer had written several letters to utility asking for the reversal of the bills as his factory had not been working since 28/09/2005 due to recession. However in his complaint to CGRF, he has stated that he had suffered a monetary loss because of utility not replacing the old meter, which they had taken away during MMR scheme. This stand is contrary to his earlier one. Hence his demand for compensation of Rs. 15,00,000/- from utility does not seem to be reasonable and genuine, hence rejected.

Consumer also asked for change of tariff from LTPG to power loom. But he has to apply to the utility for change of tariff and it is not possible to change the tariff to power loom for disputed period.

Consumer also stated that if the said meter should be shifted to another premises from his premises with change in tariff from LTPG to power loom utility denied the demand of the consumer as there was no provision in the supply code for shifting of meter which seems to be correct. Hence rejected.

If consumer wants the connection to his another premises, he has to apply as per rule and procedure.

Compliance of these orders should be reported within one month.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 6th of December 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

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP