



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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**IN THE MATTER OF GRIEVANCE NO. K/E/485/571 OF 2011-2012 OF**  
**M/S. VIVEK POLYMERS (INDIA), VASAI (EAST) REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT EXCESSIVE BILLING.**

M/s. Vivek Polymers (India),  
Unit No. 7 & 8,  
Shree Vithal Industrial Estate,  
Chinchpada, Vasai (East),  
Dist. : Thane – 401 208

} (Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Superintending Engineer  
Vasai Circle, Vasai, Dist. Thane.

} (Here-in-after  
referred  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it

by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a H.T. consumer of the licensee with C. D. 310 KVA. The Consumer is billed as per H. T. Industrial tariff. Consumer registered grievance with the Forum on 02/02/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Vivek Polymers (India)

Address: - As given in the title

Consumer No : - 001849027220 – 310 KVA

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/079 dated 02/02/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/VC/Tech/2110, dt. 24/03/2011
- 4) An emergency hearing was held on 07/02/2011. The forum heard both the parties on 07/02/2011, 24/03/2011 & 19/04/2011 in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri Purohit Nodal Officer, Shri C. P. Mane, Asstt. Engineer, representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.
- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Shree Vithal Ind. Estate, Chinchpada, Vasai (East). According to the consumer licensee had

permanently disconnected the supply of M/s. Toto packaging Pvt. Ltd. in the year 2007 vide consumer No. 001849019844. RLC amount of Rs. 12,53,135/- of the said P. D. consumer was due against the licensee. The said Toto Packing Pvt. Ltd. requested the licensee to transfer their amount of RLC in the account of consumer bearing No. 001849027220 and licensee agreed to transfer the said amount and accordingly the said amount was transferred in the account of consumer and consumer paid the amount to M/s. Toto in January, February & March 2010 as stated in the letter dated 09/02/2011 by M/s. Toto Packaging Pvt. Ltd. It is contended inspite of refund of the RLC amount of M/s. Toto by the consumer as above licensee debited the said amount in the account of consumer and indicated the said amount in the energy bill dated 21/01/2011. Consumer by their letters apprised the licensee that the amount of RLC has already been refunded to M/s. Toto therefore the same needs to be deducted from the total bill and they are ready to pay the monthly consumption bill. By cheque the energy bill amount was sent but licensee did not accept saying part payment cannot be accepted. By letter dt. 25/01/2011 consumer requested the licensee to revise the bill deducting the amount of RLC paid to M/s. Toto Packaging Pvt. Ltd. but not responded. Superintending Engineer Vasai Circle by letter dated 31/01/2011 insisted to make full payment of the bill and threatened to take severe action, therefore consumer lodged this grievance with prayer to direct the licensee to revise the bill and not to disconnect electric supply.

- 6) Licensee filed reply dated 04/02/2011 / 24/03/2011. It is contended that grievance cannot be entertained as it is signed by employee one R. S.

Pawar and this R. S. Pawar nominated Shri Harshad Sheth as Consumer Representative. Shri Pawar is not authorised to file grievance and to nominate Shri Harshad Sheth. Since Pawar is not authorised to file grievance and to nominate Harshad Sheth as representative by the partners of the firm this entire procedure is not consistent to the relevant provisions of the Act. It is further contended that the amount of M/s. Toto was fraudulently dealt by the consumer and Shri Harshad Sheth for which licensee has started investigation. According to licensee since grievance is not lodged by the authorised person and that the transactions are fraudulent in nature, need detail investigation, therefore at this stage grievance is not maintainable and apt to be disposed off.

- 7) During the pendency of the grievance since consumer apprehend that their electricity supply may be disconnected illegally requested for interim relief directing the licensee not to disconnect electric supply and to accept monthly regular energy bill till the decision of the grievance and on hearing both the parties and perusing the record, Forum by order dated 17/02/2011 granted interim relief.
- 8) At the outset learned representative for the licensee inviting our attention to the applications / say dt. 31/12/2010, 04/02/2011 and 24/03/2011 submitted that signatory to the grievance application Shri R. S. Pawar is unauthorized person therefore the grievance lodged by him is not maintainable. Inviting our attention to the schedule 'A' learned representative for the licensee urged that it is signed by one R. S. Pawar and not the Partner of the Firm. Firm not authorised Shri Pawar to file grievance on behalf of the Firm as consumer, nor Firm nominated Shri

Harshad Sheth as consumer representative. On perusing the record and hearing the learned representative for the licensee we find force in this submission. On the day of filing the grievance i.e. on 02/02/2011 nothing on record to show Firm authorised R. S. Pawar to file grievance on behalf of consumer and to nominate Shri Sheth as representative. This R. S. Pawar is the employee of the Partnership Firm. Since he was not authorised had no locus to lodge the grievance application on 02/02/2011 and consequently had no authority to nominate Shri Harshad Sheth as consumer representative and on this scenario, grievance application is squarely not maintainable. At this juncture Shri Harshad Sheth submitted that in order to remove the objection raised by the learned representative for the licensee subsequently in the month of March 2011 he sought authorization from one of the Partners of the consumer Firm Mrs. Gayatridevi Mataprasad Gupta and the same has been placed on record. It is relevant whether on the date of lodging the grievance on 02/02/2011 authorised person lodged the same and the answer to this is obviously in the negative.

- 9) Learned representative for the licensee urged with force that RLC amount of P.D. consumer illegally dealt by the consumer and Shri Harshad Sheth for wrongful gain and causing wrongful loss to the company. He submitted that the matter is under investigation whether there is a fraud of company's fund. The matter is under investigation and that the grievance application as discussed supra is not signed by the authorised person hence not maintainable. Consequently interim Order issued by this Forum vide No. EE/CGRF/Kalyan/0135, dt. 17/02/2011 will have to be vacated. Since all

these efforts are attainment of justice and not eclipse of justice we find proper to direct the licensee not to disconnect the supply of consumer without due course of law.

- 10) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases therefore delay is caused in deciding this case. Hence the order :

**O-R-D-E-R**

- 1) The grievance application is disposed off as not maintainable.
- 2) The interim Order issued by this Forum vide No. EE/CGRF/Kalyan/0135, dated 17/02/2011 is hereby vacated.
- 3) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

Date : 26/04/2011

(Mrs. S.A. Jamdar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan