



**Consumer Grievance Redressal Forum, Kalyan Zone**

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301

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No. K/E/1191/1413 of 2017-18

Date of Grievance : 03/05/2017

Date of order : 14/12/2017

Total days : 226

**IN THE MATTER OF GRIEVANCE NO. K/E//1191/1413 OF 2017-18 IN RESPECT OF M/S ORIENTAL CHEMINDUS PVT. LTD., PLOT NO.A-7, MIDC, CHEMICALS ZONE AMBERNATH, DIST.THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

M/s Oriental Chemindus Pvt. Ltd.,  
Plot No.A-7, MIDC,  
Chemicals Zone,  
Ambernath, Dist.Thane,  
(Consumer No.021520152595 / 021520152587)

. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited  
through its Nodal Officer,  
Kalyan Circle -II.  
Kalyan

. . . . (Hereinafter referred as Licensee)

**Appearance : For Licensee - Shri. G.B.Utpat, AEE, Ambernath (W).  
For Consumer - Shri. T. D. Sawant (C.R.)**

[Coram- Shri A.M. Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary  
and Mrs. S.A. Jamdar- 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 Regulatory Commission (Standards of Performance of Distribution Licensees, Period

for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

- 2) As it appears consumer M/s Orient Chemindus Pvt. Ltd. had two electricity supply connections 1] Con.no/021520152595 and 2] 021520152587. Long ago both were permanently disconnected. Earlier on 22/11/2006 an application was given by the company to the Licensee that then director of the consumer company Mr. Sonawala was a senior citizen and had been a heart patient etc. That the business was a small scale industry, prayer was made for reduction of the bill of Rs.3,21,562, then presented. There was similar letter dated NIL received by Licensee on 31/07/2006 . As it appears further, by letter dt.15/07/2009 Licensee intimated to the Consumer and acknowledged receipt of the amount of Rs.40080/- towards total bill balance in respect of connection bearing con.no.021520152595. However so far as Consumer no. 021520152587 is concerned the P.D. final bill remained due.
- 3) As it appears further the Consumer Company moved District Industries center Thane with an offer to start production in the said closed down industry within three years under some Government scheme and also moved the Licensee for fresh supply of electric connection for the company. The Licensee there upon tendered the P.D. final bill for the connection bearing con.no.021520152587 which consumer has disputed.
- 4) Consumer raised dispute with the Licensee vide letter dated 14/03/2017 where by it was contended that vide company's letter dated 31/07/2006 and 27/11/2006 there was detail clarification made. Accordingly as per the appeal made through company's advocate the arrears of Rs.40080/- was paid and no dues certificate was obtained as per letter dated 13/07/2009.
- 5) It is further the contention that vide letter dt.14/03/2017 it was intimated to Licensee that by mistake only one Consumer number was mentioned in the letter dt.13/07/2009 given by Licensee. Consumer sought to make correction in the said letter that no dues remained to be paid.
- 6) Having failed to get the relief as claimed Consumer moved this forum. There are no more contention raised in the complaints before the forum.  
Initially upon hearing consumer and as the reply was yet to be filed by the Licensee , looking to the urgency to start a closed down unit under Government scheme within a given time, fresh connection was ordered to be granted on deposit of Rs.1,50,000/- by the Consumer.  
Accordingly Consumer has deposited the amount as ordered.
- 7) In reply the only contention of the Licensee is that Consumer has only cleared the dues of connection bearing con.no.021520152595 and accordingly NO dues for that connection has been given. For consumer no. 021520152587 notice was given for amnesty scheme which consumer himself has produced.

- 8) We have heard both sides. We have granted interim relief to the consumer only with a view to facilitate restart of a closed industry under Government scheme as was then submitted. However except that the business was under small scale industry and that the then director Mr.Sonawala was a heart patient, no other ground has been taken by the consumer worth considering. There was P.D. long back & bills were not paid for years together inspite of amnesty call given. This being so the arrears remain charge over the property.  
Licensee has every right to recover arrears while granting fresh connection for the same property. There are no other grounds stated. Grievance fails.
- 9) In above view of the matter, it can be seen that prayer made is as per the letter dated 14/03/2017 in which consumer asks for striking of the arrears bill and issue no dues certificate for consumer no.021520152587 also. The arrears bill can not be struck off. Consumer has to pay the arrears of bill.
- 10) The delay is due to Licensee representative never attended the hearing after first hearing. Old record of P.D. arrears bill was demanded from Licensee as well as Consumer but not given by both. Also there was heavy work load on forum due to AEC/FAC cases.

Hence the order

**ORDER**

- 1) Grievance is dissimsied.
- 2) Consumer to pay the arrears of bill.

Date: 14/12/2017 .

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

(A.P.Deshmukh)  
Member Secretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan.

**NOTE**

- a) *The consumer if not satisfied, may file representation against this order before the Hon. 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”.*
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*
- “Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- d) **It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.**