

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. **K/DOS/42/1041/2015-16**

Date of Grievance: 06/04/2015

Date of order : 29/04/2015

Total days : 23 days.

IN THE MATTER OF GRIEVANCE NO. K/DOS/42/1041 OF 2015-16 IN RESPECT OF NRC LIMITED, VILLAGE MOHONE, TAL. KALYAN, DISTRICT-THANE PIN- 421 102 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NON COMPLIANCE OF ORDER OF THIS FORUM IN GRIEVANCE NO.1027.

NRC Limited,

Village Mohone, Tal. Kalyan,

District-Thane.

Consumer No. 020169009628 HT

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Executive Engineer, MSEDCL,

Kalyan Circle-1, Kalyan

.... (Hereinafter referred as Licensee)

Appearance : For Consumer-

Shri Killedar -General Manager

Shri Tulsidas Manager-

For Licensee:

Shri Pardesi - Suptd. Engineer

Shri Lahamge-Nodal Officers & Exe. Engineer,

Shri Barambhe-Dy. Exec. Engineer

Shri Kale-Dy. Executive Engineer.

Shri Sakpal-Accountant.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] This grievance is brought before us by consumer on 6/4/2015, contending that consumer received bill for February 2015. It's due date of payment was 26/3/2015 and quantum of current bill shown as Rs.24,96,990/- and Licencee issued notice dated 31/3/2015 u/s. 56(1) of Electricity Act, clarifying that said current bill be paid within 15 days otherwise supply will be disconnected. Consumer filed grievance about the

said notice and independently filed this application, alleging that though this Forum decided its grievance No.K/E/842/1027 /2014-15 dated 16/2/2015 and directed for refund and it is to be adjusted till the ensuing bill of consumer. On this count, consumer claimed direction to the Licencee towards non compliance.

2] This being a grievance towards non compliance of previous order. It is being dealt further, but for the sake of convenience it is allotted with the Sr, No.

The copy of grievance application and its accompaniments sent to Nodal Officer vide this office letter No. EE/CGRF/Kalyan 064 dated 6/4/2015, matter was fixed on 10/4/2015.

On 10/4/2015, both sides attended for this matter and other three grievance applications i.e. 1039, 1040 and 1044. On behalf of Licencee time was sought to file reply. Hence matter was adjourned to 20/4/2015.

On 20/4/2015, Officers of Licencee filed reply, stating that Licencee has given credit of Rs.3,28,874.08 ps. in the March 2015 bill. On behalf of consumer, submissions is placed on record, seeking direction to adjust the refund of amount in the bill of February 2015. Both sides attended and argued.

3] Consumer contended that this Forum decided its grievance No.1027 on 16/2/2015 and refund is directed in that matter. It is contended that said refund is of Rs.3,61,077/-. It is claimed that as per the order of this Forum, said amount was required to be adjusted in the ensuing bill i.e. of February 2015 which is not done. It is contended that if the order of this Forum could have been complied, then there would not have been any question to file this application.

4] Officers of Licencee in reply contended that order in grievance No.1027 is being complied and effect is being given in the bill of March 2015. They placed on record such bill dated 10/4/2015 and adjustment of amount is shown in the remark column towards arrears which is quantified as Rs.3,28,874.08 Ps. However, consumer has claimed said quantum is to the tune of Rs.3,61,077/-.

5] Towards this difference, both sides were asked to make their submission and on that count consumer's General Manager Mr. Killedar conceded to the quantum worked out by Licencee to the tune of Rs.3,88,874.08 Ps. and even he conceded for it's adjustment in the bill of March 2015, but claimed that Licencee adjusted it in arrears. But towards arrears already Hon'ble High Court granted installments and hence considering the order passed by Hon'ble High Court, adjustment ought to have been done in the current bill which is in tune with the spirit of the order passed by this Forum.

6] Considering the fact and contention of General Manager of consumer, no more dispute is surviving about the quantum worked out by Licencee and it's adjustment in the bill of March 2015. But it is necessary to consider the argument advanced by General Manager of the company that it was necessary on the part of Licencee to adjust it in the current bill. The order of Hon'ble High Court, which Licencee referred is dated 18th February 2015, in Writ Petition No.671/2014 with Civil Application No. 947 of 2014. In Writ Petition No.671/2014 with Writ Petition No.9983 of 2014. As per the said order it is seen that consumer was in arrears of dues to the tune of Rs.1,04,00,000/- (Approximately) and consumer paid amount of Rs.30,00,000/- by cheque and for the balance of Rs.75,00,000/- (approximately), allowed to pay it in three monthly installments of Rs.25,00,000/- each. Accordingly, Hon'ble High Court, dealt the aspect of arrears which parties are to follow. Further Hon'ble High Court directed the consumer to pay current bills. Accordingly, current bills are to be dealt for considering the adjustment if any due to the order passed by this Forum which was to be dealt in the ensuing month i.e. February 2015. Though, it was not complied in the month of February and now being dealt in March 2015, it was necessary to adjust it in the current bill. No doubt, Officers of Licencee tried to point out that as per their system evolved such adjustment is to be done towards arrears. We find, peculiar circumstances are surfaced. Order of Hon'ble High Court covers the

portion of arrears and liberty given to clear it by installments. Figure of installment is fixed one. Hence, towards current bill, aspect is open for adjustments. Accordingly, we find, it was necessary to adjust the said refund towards the quantum of current bill. Hence, we directed that said amount be conveniently shown deducted from the current bill. In this light, this application needs to be disposed off.

Hence the order.

ORDER

Consumer's application is now partly allowed.

Already Licencee gave adjustment of the amount to the tune of Rs.3,28,874.08 Ps. showing in the bill of March 2015 towards compliance of order passed by this Forum in Grievance No.1027 dated 16/2/2015.

However, Licencee is directed to show the said adjustment, not towards arrears but towards the current bill, for the reasons discussed above.

Dated: 29/4/2015.

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan