



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No.K/DOS/45/1080/2015-16

Date of Grievance: 14/05/2015  
Date of order : 22/05/2015  
Total days : 8 days

**IN THE MATTER OF GRIEVANCE NO. K/DOS/45/1080 of /2015-16 IN RESPECT OF NRC LTD. OF MOHANE, KALYAN (E) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING THE NOTICE OF THE DISCONNECTION ISSUE ON 8.5.2015 UNDER SECTION 56 OF E.A.**

M/s.NRC Ltd.,

Village Mohane, Tal.Kalyan,  
District-Thane  
Pin Code 421 102

(Consumer No.020169009628 HT connection)

(Hereafter referred as  
consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its

Executive Engineer, Kalyan –Circle-1, Kalyan .... (Hereinafter referred as  
Licensee)

Appearance : For Consumer–Shri Killedar -General Manager  
Shri Tulsidas Manager-

For Licensee Shri Lahamge- Nodal Officer and Executive Engineer  
Shri Barambhe – Dy.Ex.Engineer  
Shri Sakpal-Account Officer.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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. 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 and Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] This grievance is brought before us by consumer on 14/5/2015, alleging that licensee issued notice under section 56 of E.A. on 8.5.2015 through heavy amount is yet to be refunded by licensee, without complying the orders of IGRC etc.

In this matter copy of grievance applications along with its enclosure sent to the Nodal Officer, vide this Office Letter No.0151 dated 14/5/2015.

3) In response to it, Nodal Officer attended and filed the reply on 18.5.2015. Both side argued the matter on 18.5.2015 and today i.e. 22.5.2015 . On the basis of argument advanced and details stated in the grievance application and reply matter is to be decided.

4) Consumer received notice of licensee dt 8.5.2015 wherein amount of Rs. 77,35,940/- demanded. In the said amount bill for February 2015 is of Rs. 24,96,990/- Bill of March 2015 is of Rs. 27,38,950/- and installment of Rs. 25,00,000/- towards arrears as directed by Hon'ble High Court included. In the said notice under section 56 of E.A. 15 days time granted to comply.

5) Consumer in the grievance application contended that licensee is yet to refund the amount and it is to the extend to Rs. 71,20,869/- . It is contented that ignoring this, notice is issued which is not correct.

6) Details of those refund amount shown by consumer and concerned proceeding are as under .

<u>Sr.No.</u>	<u>Particulars</u>	<u>Amount Rs</u>
1.	As per Order of CGRF (1026)	3024955/-
2.	As per order of CGRF (1027)	328874/-
3.	As per Order of Ombudsman (review 2/2015)	780769/-
4.	ASC - approximate (covered in grievance No.1060)	2145128/-
5.	Additional units charged (grievance No.1060)	297442/-
6.	Amount paid in excess in Jan. 2015 bill	343690/-
7.	Excess shown in the bill of March 2015 (1026)	200000/-
<b>Total : Rs. 7120869/-</b>		

7) In the aforesaid statement due amount though shown, some of those are pertaining the orders passed by this forum in grievance applications 1026, 1027 , pending grievance No. 1060 & review application No 2/2015 decided by Hon'ble Ombudsman.

It is also disclosed that against grievance No 1026 licensee approached Hon'ble High Court filling writ petition which is numbered as WP.Stamp No. 11390 of 2015 . In the said matter order is passed by Hon'ble High Court on 8.5.2015 Where in Advocate for consumer assured to not to take coercive steps towards order in grievance No 1026. This aspect argued by both sides suitable to them. We find this aspect is pertaining to interpretation of the order of Hon'ble High Court which parties to appropriately consider and if they find any difficulty then they are to seek guidance from Hon'ble High Court. Hence we find the amount shown by consumer towards grievance No. 1026 being dealt by Hon'ble High Court cannot be commented by this forum.

Secondly we find consumer referred to due amount as per the grievance No. 1060 which was pending when this matter was filed . Accordingly those items of 1060 were not concluded by the Order forum. Hence it is premature claim . At this we noted that said grievance No 1060 is decided and it is in depended aspect. It cannot be considered in the matter.

Thirdly consumer has referred to the claim allowed by Hon'ble Ombudsman in review petition No. 2/2015. In this regard we find about non compliance of that order, this forum cannot express any view and consumer if required is to approach Hon'ble Ombudsman, hence that item cannot be dealt by this forum.

Further towards item No. 6 consumer claimed that excess amount is recovered by licensee in January 2015 bill. However we find about that item no any grievance brought before this forum or any order is passed. In this light we find said item cannot be dealt by this forum.

Lastly consumer has referred to the claim pertaining grievance No. 1027 i.e. Sr.No. 2 . In this regard in reply licensee stated as under in para No. 2

**“ As per the Order of the Hon'ble Forum in Case No. K/DOS/42/1041 of 2015-16 , dt 29.4.2015, MSEDCL has already given the credit of the refundable amount, arising out of Case No. K/E/841/1027 of 2014-15 , against the current bill, and this amount is not included in the Disconnection Notice Dt: -8.05.2015”**

Though in aforesaid reply compliance is stated, but during hearing it is fairly admitted that in the said notice said item is included. Quantum of said item is of Rs. 3,28,874/- and it ought to have been shown correctly and deducted. Already towards non compliance of order in grievance No. 1027 application bearing No. 1041 was taken out and order is passed therein by the forum . Accordingly said order is not complied and said amount is included in the notice dated 08.05.2015. Officers of licensee submitted said things remained which will be dealt.

In view of the above we find item No. 2 quoted above pertaining to grievance No 1027 is not appropriately dealt by licensee and they agreed to deal it. Accordingly we find Amount covered in the notice dated 08.05.2015 to the extent of Rs. 3,28,874/- is not correct and proper. Hence to that extent notice found not correct.

We make it clear that the amount of installment as directed by Hon'ble High Court, added in the notice dated 08.05.2015 there cannot be any comment by the forum Said aspect is not available for any discussion. Said aspect can be dealt only by Hon'ble High Court.

In view of the above we find in the notice dated 08.05.2015 amount of Rs. 3,28,874/- pertaining to grievance No 1027 not deducted from current bill and hence to that extent notice is not correct, which licensee is to appropriately correct and deal . In result this grievance is to be partly allowed.

Hence the Order

**Order**

Grievance of consumer is partly allowed. In the notice dated 08.05.2015 issued by licensee quantum of Rs. 3,28,874/- is added which is covered by the order in grievance No 1026 & 1041 which is not correct. To that extent notice found not proper. Licensee appropriately rectify that aspect before giving effect to the said notice dated 08.05.2015.

**Date : 22.5.2015**

**I agree**

**I agree**

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

**(Chandrashekhar U. Patil)  
Member Secretary  
CGRF,Kalyan**

**(Sadashiv S. Deshmukh)  
Chairperson  
CGRF, Kalyan**