



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/N/143/1285 of 2016-17**

Date of Grievance : 10/10/2016

Date of order : 07/04/2017

Total days : 177

IN THE MATTER CASE OF GRIEVANCE No. K/N/143/1285/2016-17 IN RESPECT OF SHRI MAHESH KISHINCHAND MAKHIJA, BARRAK NO. 1490, ROOM NO.2, 30TH SECTION, ULHASNAGAR-4, DIST. THANE, PIN CODE--421004, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.

Shri Mahesh Kishanchand Makhija,
Barrack No.1490, Room No.2,
30th Section,
Ulhasnagar-04, Dist. Thane.
Pin Code – 421 004.

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer,
MSEDCL,
Kalyan Circle-II.

..... (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri R.T.Pawar-AEE- Ulhas-S/dn-IV.
Shri S.V.Gajbhiye-Asst.EE, Ulhas-S/dn-IV.
For Consumer – Rajput
Consumer –in person present.

[Coram- Shri A.M.Garde-Chairperson, Shri L.N.Bade-Member Secretary and
Mrs.S.A.Jamdar- Member (CPO)].

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

2] 2] As submitted by the CR that these are three cases filed by families of three brothers for three separate meters in their names for the residential premises bearing Barrack No.1490, room No.2 on account of some internal dispute. They were granted the connection, but before actual execution of the sanction order, Licensee has raised a bill for Rs. 88588/- of consumer No.021514070862 allegedly of the same premises and asked these complainants / applicants to pay the said PD arrears else refused to release the connection.

3] We have heard both sides. Complainants / applicants herein have asked for three separate connections in Barrack No.1490 room No.2. Licensee has shown PD arrears in respect of room No.1. Complainant / applicant herein state that they have no concern with room no.1. The name appearing in the bill raised is also different i.e. Passumal . Licensee has

produced a bill purporting to be of room nos. 1 and 2. There is only one such bill. The CPL is of room no.1 and in the name of Passumal. There is no document produced by the Licensee to show that room no.1 is of the complainants / applicants. Complainants/applicants therefore, alleged that Licensee is trying to recover the dues of some other consumer of room no.1 while granting connection to them. In fact the connections were already granted but have been withheld illegally to harass the complainants/applicants.

4] We have given careful consideration to the contention raised on either side. As we see there are two premises viz barrack No.1490, room No.1, and 1490 room No.2. The Licensee emphatically contends that consumer No. 021514070862 was very well in the same premises where the new connections are sought. They have produced one bill of the said number on premises of barrack No.1490 /1 & 2. There is no clarity that there is one more separate premises of barrack No.1490/1. But then we feel that Licensee may not withhold the connection to the complainants / applicants for non payment of PD dues of room no.1. At the most the question of recovery of the bill in respect of room no.1 may be kept open and connections may be released to the complainants / applicants.

5] So-far-as SOP is concerned, as we see there is no clear evidence that there is separate premises described as barrack No.1490 / room No.1. Officials may be in good faith raising the contentions to avoid revenue loss. Hence SOP may not be granted.

This matter could not be decided within time as hearing was going on each and every date and parties wanted to produce some documents and therefore, delay is caused.

Hence the order.

ORDER

- 1] Application of the applicant is allowed.
- 2] Licensee is directed to release the electricity connection to the complainants / applicants in all three cases as per respective sanctions.
- 3] The question of recovery of the dues in respect of Barrack no.1490, room no.1 is kept open to be agitate before appropriate Forum.
- 4] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Dated: 07/04/2017.

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

(L.N.Bade)
Executive Engineer,
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.

The brief facts of the grievance application are as under:-

The applicant / consumer has filed this grievance application on 04/10/16, for giving 3Ph 27 HP for running industries known as M/s. Asha Silicate Industries, Gala No.2, Plot No.59 & 39 OT section, Industrial Area, Ulhasnagar -04 for manufacturing of plastic products, therefore, he applied for new connection.

3] The applicant / consumer approached to IGRC on 30/08/16 and IGRC has rejected the application of the applicant / consumer mentioning therein that one Shri Rajkumar Tijumal wadhwa has filed the Civil Suit No.117/2015 before the Hon'ble Civil Court, Ulhasnagar, for ownership of plot Nos. 59 & 39. Hence, IGRC has no jurisdiction in this matter. Therefore, consumer approached to this Forum by filing grievance on

04/10/16. On receiving this grievance it's copy along with accompaniments sent to the Licensee vide this Office Letter No. EE/CGRF/Kalyan/255 dated 04/10/2016. The applicant / consumer prayed for supply new connection.

4] The Licensee appeared and filed compliance report on 17/10/16, contending that on 27/7/16 the applicant / consumer has filed application for new connection (3 Ph 27 HP) to Division. On 12/8/16 TFR is submitted by S/Dn to Division. On 19/8/16 EE Ulhas-II has instructed Addl.EE, Ulhas-4 for checking of installation / premises and installation is checked on 20/8/16 along with AEE Nagrani, A.E., Lalchakki applicant / consumer, his representative Shri Pappan and found that there are 05 numbers of connection at the above address and submitted checking report on 23/8/16. On 23/8/16 the Licensee received the objection letter from Kundan Tejomal Wadhawa of the same above address, regarding not to release any connection on Plot Nos. 59 & 39 OT Section, Industrial area,Ulhasnagar-04, being the Court matter. Accordingly, the Division Office has obtained the opinion from Legal Advisor Kalyan Zone.

5] Letter dated 6/10/16 produced by one Kundan Tijomal Wadhva And claimed ownership of the disputed property for which the applicant/consumer has filed grievance application for new connection.

6] Both the parties have submitted correspondence letters with each other.

on 15/2/16 in the morning her staff members found that there was no electricity supply. She immediately lodged complaint with Addl. Executive Engineer at Sub/Dvn.III, Ulhasnagar-03 with a request to connect electricity supply and the complaint was registered under No.19 on 15/2/16 at 10.45 a.m. On the said complaint, the linemen visited the shop premises for restoring the connection. The linemen enquired with the complainant whether there was outstanding bill to be paid, to which the consumer replied in the negative and further told them that if any bill was still outstanding, she is ready to pay it. At that time the linemen told that the electricity connection was deliberately disconnected by some mischievous person. At that time, when linemen were trying to connect the electricity connection one Mr. Avinash resident of the same apartment, came over there and did not allow the linemen to restore the electricity supply and the linemen went back without restoring the supply by saying that they would report this matter to the concerned Officer.

3] The consumer further contended that she made several correspondences with the Licensee for reconnection but they did not restore the supply though they are empowered to take police assistance. Thereafter

the consumer take the assistance of the secretary of her society though it was not necessary. The consumer wrote several letters to the authorities but of no avail.

4] The consumer sent the legal notice dated 28/3/2016 through her Advocate to the Licensee. On receipt of the said notice, the supply was restored on the same day at about 13:31 hours. The consumer stated that during the period of 42 days between 15/2/16 to 28/3/16 she undergone several untold hardship, mental agony and torture, business loss/damage wages paid to the employees, compensation etc. remained to be paid to consumer, to which the Licensee did not respond. Therefore, the consumer approached to IGRC on 03/6/16. However, IGRC has not passed any order within stipulated time of 60 days. Therefore, consumer approached to this Forum by filing grievance on 03/10/16. On receiving this grievance it's copy along with accompaniments sent to the Licensee vide this Office Letter No. EE/CGRF/Kalyan/254 dated 03/10/2016. The consumer prayed for claim for loss of business, mental torture, agony, compensation was not paid as yet.

5] The Licensee appeared and filed their reply on 19/10/16 and produced the CPL. The Licensee contended that when the concerned Asst. Engineer visited the premises of the consumer, at that time the residents (10 – 15 Nos) denied aggressively for giving the key of the meter cabin and for restoring of the supply. But by keeping continuous follow up and convincing with residents, on 28/3/2016 the supply has been restored.

6] We have heard both sides at length and gone through the reply and CPL and the documents /correspondence produced by the consumer, we found that

Hence the order.

ORDER

- 1] Grievance application of the consumer is hereby allowed.
- 2] The Licensee is directed to revise the bill of the consumer as per recorded consumption as 180 units per month for six months.

3] The consumer has to pay the amount of revised bill as per 180 units per month for six months.

4] The Licensee to pay compensation amount of Rs.2000/- to the consumer towards harassment.

4] Compliance of this order be done within 45 days on receiving the Order and it's report be submitted to the Forum within 60 days from the date of receipt of this Order.

Date: 18/10/2016.

I agree

(L.N.Bade)
Member Secretary
CGRF, Kalyan

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

NOTE

e) 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.

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f) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

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