



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/DOS/36/1030/2014-15**

Date of Grievance : 02/02/2015

Date of Order : 05/02/2015

Total days : 03

IN THE MATTER OF GRIEVANCE NO. K/DOS/36/1030 OF 2014-15 IN RESPECT OF M/S. JAI INDUSTRIAL CHEMICAL PVT. LTD. PLOT NO.104, 116, MIDC, PH-I DOMBIVLI (E), DISTRICT THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING RECOVERY OF PAYMENT OF ASSESSMENT U/S. 126 BY ISSUING 7 DAYS NOTICE.

M/s. Jai Industrial Chemical Pvt. Ltd.,
Plot No. 104,116, MIDC Phase-I,
Dombivli (E)

District Thane (Hereafter referred as Consumer)
(Consumer No. HT-020029007714)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
The Superintending Engineer,
Kalyan Circle-I, MSEDCL,
Dombivli (E).

..... (Hereinafter referred as Licencee)

Appearance : For Consumer- Shri B.R.Mantri-Consumer's representative.
For Licensee - Shri Lahange- Executive Engineer.
Shri Bharambe- Dy. Executive Engineer.

(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] Consumer is having industrial supply bearing consumer No.HT-020029007714 from 5/9/1977. Consumer received letter of Licencee dated 8/1/2015 about provisional assessment done u/s. 126 of Electricity Act. On receiving said letter consumer perceived that as per the provisional assessment order due amount was to the tune of Rs.4,11,740/- and said amount was to be deposited within seven days from the date of order. However, consumer perceived that if amount is not deposited, consumer will face illegal disconnection of supply. On this ground, this matter was taken up and notices were issued to both sides.

In pursuance to the letter of this Forum to the Nodal Officer i.e. EE/CGRF/Kalyan/021 dated 2/2/2015 , Officers of Licencee attended.

3] CR and Officers of Licencee are heard and during the discussion, it is disclosed that after passing provisional assessment order, final assessment order is passed on 4/2/2015. It’s copy is now being placed on record of this Forum. CR was asked as to whether only on the basis of letter of provisional assessment order, can it be said that it is the threats of disconnection and under such circumstances, whether

this grievance can be dealt. CR submitted that admittedly Officers of Licence invoked u/s. 126 of Electricity Act, itself is not applicable and he is challenging it.

4] On close reading of Section 126, it is clear that whenever Licence issue notices any incident u/s. 126 and it is supposed to follow the provisions in said section and first step towards it, is, of passing provisional assessment order and it is to be followed by issuing notice after provisional assessment order i.e. service of provisional assessment order wherein, as per section 126 of Electricity Act, 7 days time is to be granted to the consumer to deposit the amount cited in the provisional assessment order. No doubt by issuing said order, consumer cannot be compelled to do so as there is option for the consumer to appear before Assessing Authority. Thereafter the process of passing final assessment order is there and is to be followed. Only after passing final assessment order quantum therein is required to be demanded and recovered, following legal process. Accordingly we find at this stage, matter before Assessing Officer was at peculiar stage and said letter based on provisional assessment order can be said to be threat of disconnection. Secondly, we find now there is final assessment order and it is independent cause of action. We find this grievance application now needs to be rejected, on the ground that in the letter dated 8/1/2015 under dispute, there is no threat of disconnection, but it was interim stage towards final assessment order u/s. 126 of Electricity Act.

Hence the order.

ORDER

Grievance application of consumer is hereby rejected

Dated:05/2/2015

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

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.