



Consumer Grievance Redressal Forum, Kalyan Zone
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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 16/10/2015

Date of Order : 06/01/2017

Total days : 449

IN THE MATTER CASE OF GRIEVANCE NO. K/E/923/1128/2015-16 IN RESPECT OF MUN PLAST PVT. LTD, S. NO. 95, HISSA NO. 4/1, KALPTARU IND. EST. CHINCHPADA, VASAI (E) PIN CODE NO 401 208, DIST. PALGHAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF RLC & SD OF EARLIER HT CONSUMER NO. 001849022750 (Billing Related).

Mun Plast Pvt. Ltd,
S No. 95, Hissa No.4/1,
Kalpatru Ind. Est.
Chinchpada,
Vasai (E)
Dist. Palghar.
Pin Code No.401 208,
(Consumer No. **001849040550**) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its MSEDCL, Addl. Ex. Engineer,
Vasai Circle, Vasai (E), S/Dvn. (Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Harshad Sheth-Consumer's representative.
For Licensee :- Sheri V.B, Jagtap-Nodal Officer-Vasai Circle.

[Coram- Shri A.M.Garde-Chirperson, 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] Case in brief is that M/s. Utility Printers bearing consumer No. 001849022750 HT-IN – CD 500 kva had paid RLC to MSEDCL from December 2003 to September 2006 as under:-

- a] Total RLC. Paid to MSEDCL during above period - Rs.10,06,387/-
- b] MSEDCL refunded in bills 15.5% in 2008-09 from July to December.
- c] Refunded 21% from April 2009 to March 2010.
- d] Refunded 16% from April 2010 to March 2011.
- e] Refunded 8% from April 2011 to the month of PD in the year 2011-12.

3] Balance of Rs.4,14,554/- remains to be refunded.

4] Consumer/applicant Mun Plast Pvt. Ltd. Claims to have purchased the property of M/s Utility Printers with assets and liabilities.

They have taken new supply with consumer No.001849040550 HT CD-45 kva.

5] The applicant claims refund that was due to Utility Printers from MSEDCL in the form of RLC as well as security deposit of Rs.99,300/- along with interest. MSEDCL Circular No. PR/3/tariff/ RLC PD /305-86 dtd 31-10-2012 is relied on .

6] In reply it is the contention of MSEDCL that even perusal of the document of the consumer, reveals that there was purchase of land / premises first by Mukesh B. Mehta from Shri Mukund Mhatre in the year 1996. This Mukund Mhatre then entered in to agreement of sale of the said property with M/s. Utility Printers. Then in the year the said agreement was cancelled and on the same day i.e. on 3/5/2011 Mukesh B. Mehta sold the said property to M/s. Chetan Papers Pvt. Ltd. Now the said Chetan Papers Pvt. Ltd. has sold the said property to Minesh Popatlal Munani. This Minesh Popatlal Munani has now obtained new connection in the name of Mun Plast Pvt. Ltd.

7] Relying on the very same circular referred to by the consumer particularly Clauses 7 & 8, it is contended that in cases of change of name on business take over cases the RLC, refund has to be adjusted in the bills of current owner or name changed consumer. In the present case there is neither name change from Utility Printers to Mun Plast Pvt Ltd. nor is there agreement of taking over of business of Utility Printers by Mun Plast Pvt Ltd.

8] There is further ground taken that as per Clause 6.2 of MERC (CGRF & Electricity Ombudsman) Regulation 2006, it is only the consumer who can file the grievance and in this case it is Utility Printers who can file the grievance.

9] We have heard both sides and have gone through the copy of the transfer document produced for perusal. It is clear therefrom that it is a simple sale deed by which a certain immovable property is purported to have been sold by M/s. Chetan Papers Pvt. Ltd. to Mr. Minesh Popatlal Munani. There is no transfer of business of Utility Printers to Mun Plast Pvt. Ltd. No other document of taking over of business of Utility Printers by M/s. Mun Plast is produced.

10] Clause 8 of the Circular which the consumer himself relies on, clearly states that it is only in case of change of name or take over of business that the RLC refund should be adjusted in the bills of current owner / changed name consumer . Here there is no case of change of name and the case of taking over of business is totally false, as such the grievance fails.

This matter could not be decided within time as the Hon'ble Chairperson took charge on 20/09/2016 of this Forum and the matter was reheard.

In the result, the grievance application is liable to be dismissed.

ORDER

Grievance application of the consumer is hereby dismissed.

Date: 06/01/2017.

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

(L.N.Bade)
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.*