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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg, Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No.107/2016

Hearing Dt. 17.01.2017

In the matter of Violation of SOP and Non compliance MERC Directives

**Mr. Sajid Mohmad**  
**S.No 35/4 .Gala No 18 Khoni**  
**Village B/H Aditya Hotel**  
**Bhiwandi**

**Applicant**

**Vs.**

**M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd.,**

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**Respondent**

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Archana G. Sabnis, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

Shri. Shakeel Ansari - Consumer Representative.

**C - On behalf of Respondent No. 1**

1. Shri. S.K.Dope, Assistant Engineer, MSEDCL, Bhiwandi.
2. Mrs. Hemangi Mayekar, Assistant Manager, TPL

**Consumer No. 13212654668 connection for power loom**

1. Above named complainant filed this complaint in schedule 'A' on 15/11/2016 alleging that respondent utility printed wrong bill respondent utility calculated

wrong interest arrears and non compliance of MERC direction consumer pray for Interim order. Consumer filed letter dated 05.11.2016 address to respondent utility the said letter is not answered by utility therefore consumer approach to the Forum and filed this complaint. Consumer alleged that he obtained electricity connection to premises to use for power loom .Consumer received bill issued by respondent utility for amounting Rs. 2,52,890/-. After receiving the said bill consumer approach to respondent utility and filed application requesting issue copy of CPL as per MERC regulation since 2010. The said application filed by consumer on 11.05.2016 was not responded by utility. Therefore consumer made grievance before this Forum and filed this complaint.

2. After filing this complaint on 15.11.2016 notice was issued to the respondent utility on 22.11. 2016. After service of notice respondent utility appeared and filed reply on 02.12.2016. Respondent utility submitted that this consumer Mr. Sajid Mohmad having consumer 13212654668 made request letter to the respondent utility as no litigation was filed and only he demanded copy of CPL since 2010. Respondent utility submitted that this consumer not followed proper channel under Regulation No.6.2 of MERC consumer Grievance Redressed Forum 2006. Which stated that as followed *“Provided also that the intimation given to officials (who are not part the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purposes these Regulations unless such officials forthwith direct the consumer the IGR Cell”*
3. It is submitted that by respondent utility that as per Regulation No.6.7 Forum shall not entertain grievance unless consumer’s aggrieved on account of grievance is being not being redress by IGR Cell within the period set out in this regulation. Respondent utility is mention that the connection of the consumer was disconnection on 06.10.2016 under provision of Section 56 of I.E.A. 2003.

Thereafter consumer illegally reconnected the supply under the service connection was disconnected on 15.11.2016. Thereafter consumer approach to the respondent utility office on 15.11.2016 and deposited amount of Rs.1,00,000/- and accordingly on the request of consumer his service was reconnected on 16.11.2016. Respondent utility further submitted that the service as on date Rs 1,61,996.94/- shown arrears and not paying balance due the process of disconnection was followed as per prevailing rules and regulation provided by MERC. As such the supply of consumer was disconnected for the reason of nonpayment of energy dues.

4. It further submitted by respondent utility the registered of consumer personal ledger maintained by office for their own record which reflect monthly consumption and bill amount details which was communicated to the consumer in monthly bill mentioning short reflection of dues of consumer payable. As per relevant order of MERC and MSEDCL Circular if any incorrection of furious billing was found it should be reported to the office as per procedure. The consumers fail to communicated and not followed proper channel. Consumer is having high arrears and making false representation causing interference in the process of the recovery of the bill and demanding copy of CPL since 2010 without following due procedure laid down under the law. Therefore respondent utility pray for dismissal of the complaint with cost.

After perusing rival contention of consumer and respondent utility following point arose for our consideration.

- Whether respondent utility entitled to recovered the remaining unpaid bill amounting Rs. 161996.94/- for consumer.
- Whether consumer is entitled for copy of CPL.
- Whether complaint is filed following due process of law.
- What order?

### **Reasoning**

5. On dated 17.01.2017 I gave opportunity to consumer and his representative Mr. Shakeel Ansari and Mr.Pravin Thakkar appeared for the consumer. Respondent utility M/S TPL Representative appeared before the Forum. I have perused all relevant document Circular notification and documents filed by consumer. It appeared from the dispute the consumer initially received the bill for amounting Rs. 2,52,890/- which was dully communicated to the consumer by letter dated 08.11.2016 .In spite of that consumer not deposited the said amount and raised the dispute. It is submitted by respondent utility the connection of consumer was disconnected on 06.10.2016 under section 56 of I.E.A.2003 .Consumer protest and contented that no proper legal notice was served on him the copy of bill submitted by consumer is perused. It further appears to the Forum that on 15.11.2016 the consumer deposited amount of Rs.1,00,000/- which was duly credited by respondent utility in their account. However, consumer made aggressive remark that no proper bifurcation or details given to the consumer by utility.
6. It is necessary to mention that during the course of hearing all details of account copy of legal notice under section 56 I.E.A.2003 intention of disconnection of supply was duly served consumer only deposited part amount of Rs. 1,00,000/- against total outstanding bill Rs. 2,52,890/- was due against him and get reconnection of supply. Thereafter it appears to me that consumer raise the dispute against the utility by demanding copy of CPL and thereafter filed this complaint in schedule Form 'A 'directly to the Forum. It is properly pointed out by respondent utility that consumer made violation of regulation No.6.2 which reads as under "*Provided also that the intimation given to officials (who are not part the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the*

*intimation for the purposes these Regulations unless such officials forthwith direct the consumer the IGR Cell'*

7. The consumer not followed proper procedure first to approach to the IGRC and directly filed complaint before this forum in Schedule 'A' on 15.11.2016. In the said complaint complainant consumer wanted to take protection of Interim order to prevent of respondent utility from demanding legal recoverable dues not paid balance by the consumer therefore this Forum not entertain the prayer of interim relief .At the time of hearing at the first site appears that consumer apparently violated the condition of Regulation No.6.2 MERC consumer Redressal Forum Regulation 2006.
8. As the Regulation describe 6.7(b) the Forum shall not entertain the grievance unless the consumer is aggrieved on account of grievance redress in IGRC cell within the period set out in this regulation admittedly no grievance is raised before the IGRC therefore I am not inclined to entertain the complaint of consumer as alleged by him. It is further necessary for me to mention that I have given opportunity to consumer to approach before amnesty scheme and take the benefit during the stage of hearing. On last date both the consumer representative and respondent utility appears and submitted that no opportunity was availed by the consumer therefore again I have required deciding the complaint on merit. So far as the grievance is raised about violation of MERC directive the copy of CPL as demanded by consumer in letter on 05.11.2016 at that time no record submitted by consumer the dispute was raised. However the consumer raised the dispute after depositing amounting Rs.1,00,000/- and got supply reconnected on 16.11.2011, it means that no dispute was raised by consumer when requested non supply of copy of CPL to him. As per Regulation and SOP direction the consumer entailed for copy of CPL for the period only after raising the dispute in writing before the authority. Hence there is no willful contravention made by respondent utility on the event of non supplying copy of CPL therefore I found no substance in the complaint of consumer against

which not required to give any direction .However this Forum tries to solve the dispute amicably by giving opportunity which was not availed by consumer.

9. In this circumstance I have no other option to dismiss the complaint of consumer for violation of provision 6.7 which describe as "*The Forum shall not entertain a Grievance:*

*(a) unless the consumer has complied with the procedure under Regulation 6.2*

*and has submitted his Grievance in the specified form, to the Forum;*

*; (b) unless the consumer is aggrieved on account of his Grievance being not redressed by the IGR Cell within the period set out in these Regulations*

*(c) unless the Forum is satisfied that the Grievance is not in respect of the same subject matter that has been settled by the Forum in any previous proceedings; and*

*(d) where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority"*

In this circumstance no relief can be extended to the consumer in this complaint.

Hence I proceed to pass following order.

### **ORDER**

The consumer complaints No. 107/2016 stand dismiss with cost.

Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS**  
**MEMBER**  
**CGRF, BHANDUP**

**SHRI. ANIL P. BHATHANKAR**  
**CHAIRPERSON**  
**CGRF, BHANDUP**

**SHRI. R.S. AVHAD**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**