

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: cgrfbhandupz@mahadiscom.in

Website: www.mahadiscom.in

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

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

Date

Case No.645

Hearing Dt. 09.03.2016

In the matter of review application filed by utility

Shri. Shakeel Ahd.Noor Mohd.Chawan - Applicant

Vs.

M.S.E.D.C.Ltd., Bhiwandi, TPL - 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) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Shakeel S. Ansari, - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. R.R.Beloskar, Executive Engineer, Nodal Office Bhiwandi.
- 2) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.
- 3) Mrs. Hemangi Mayekar, Assistant Manager, TPL

ORDER (Passed on 18.03.2016)

1. Above named respondent utility submitted review petition to The SE, Nodal Officer, Bhiwnadi requesting review of order passed by CGRF, Bhandup dated 30.07.2015 in case of 594.

2. It is submitted that consumer Shri. Shakeel Ahd.Noor Mohd. Chawan was consumer having service no. 13010206922 of MSEDCL, Bhiwandi. His service was permanently disconnected and there were arrears shown on the said connection which is situated at Patil compound, Vivek Building, Narpoli, Bhiwandi.
3. The consumer's son approached the Forum for getting new service connection at same premises in favor of Shri. Shakeel Ahd.Noor Mohd. Chawan on 13.04.2014.
4. As there were old arrears discovered at the same premises, M/s. TPL refused to release new connection in name of new occupant. There are arrears of MSEDCL also.
5. It is submitted by respondent utility that the arrears due to M/s. TPL are 1,66,831/- and Rs. 25,968/- of MSEDCL.
6. In view of commercial circular No. 53/97 and 160 issued by commercial tariff appropriate case in this both circular are not applicable.
7. It is found that this is the modus operand of this consumer- not paying the arrears, thereby allowing the service connection to become PD. Thereafter without paying any charges subsequently, the premise is illegally transferred in favor of occupant.
8. This ultimately results in loss of revenue.

It is submitted that the present consumer is in arrears since July 2009. Repeated notices were issued for recovery. But there is no recovery since last 10 years.

9. It is contention of the utility that in view of the judgment passed by this Forum on 27.07.2015 in case of 594, it may encourage consumer to develop the tendency of not payment of arrears.

As such in similar instances it is likely to result in loss of revenue. Therefore respondent utility has prayed for review of order pass by this Forum.

10. After filing the said review petition dated 14.09.2015, notice was issued to consumer. Even after service of notice consumer did not appear before the Forum.

However when consumer approached this Forum in some other matter, he informed that Writ Petition is also filed before the Hon'ble High Court by respondent utility and he has received notice thereof. But since long there is no progress or any communication from respondent utility. Hence the matter is unnecessarily delayed and pending for order.

11. It is necessary to mention that during the pendency of this litigation, on 08.02.2016 Hon'ble MERC issued note informing and directing the Forum that under the 'Ombudsman Regulation 2006' CGRF has no powers of review of its own order.

Details of the circular are as below:

Preamble It has been brought to the notice of the Commission that a Consumer Grievance Redressal Forum (CGRF) has entertained applications made by a Distribution Licensee for review of its own Orders. While there is a specific provision for review by the Electricity Ombudsman, the MERC (CGRF and Electricity Ombudsman) Regulations,

2006 do not empower CGRFs to review their own Orders. Therefore, in exercise of the powers conferred under Regulation 26 of the Regulations, the Commission issues the following

Practice Directions:

The CGRFs are directed not to entertain applications from any party seeking review of their own Orders. 2. If any instance of a CGRF entertaining such an application or reviewing its own Order comes to the notice, the Electricity Ombudsman may suo moto call for the papers and give appropriate directions. 3. A consumer may take recourse to the Electricity Ombudsman if a CGRF reviews its own Order upon an application made by a Distribution Licensee, or entertains such an application.

12. In view of said circular we do not find any reason to keep the matter pending. Hence I am inclined to proceed to pass following order.

ORDER

The Review Petition No. 645/2015 stands dismissed.

No order as to 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:

- 1) 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. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**