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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.03

Hearing Dt. 08.06.2016

In the matter of application of wrong tariff and wrong recovery arrears of bill

Shri. V.V.Kanade - 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 Ansari - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Mrs. Hemangi Mayekar, Assistant Manager, TPL

ORDER

Consumer No. 13010316361, Sanction Load - 4.3

1. Above named consumer filed this complaint against respondent utility alleging that the utility is charging at commercial rate, though the consumer is using the said meter for residential lift of the said building since last 26 month. The respondent utility has recovered excess amount by applying wrong tariff and the supply was disconnected without notice. Respondent

utility did not follow the provisions of MERC of Directive regulation. The consumer has prayed for Interim order against disconnection of supply.

2. After filing this complaint on 27.04.2016 notice was issued to the respondent utility, who then appeared and filed reply on 30.05.2016. It is contention of respondent utility that consumer not follows proper procedure and channel as per Regulation 6.2. The service connection was released on 01.01.86. Thereafter consumer applied for extension of load on 12.04.2014 from 1KW to 4.3KW. The consumer was given commercial load extension on 12.04.2016. Consumer issued letter to respondent utility informing that the said connection is used for residential purpose, and he should be billed accordingly.

3. This application for change of tariff was required to be submitted in proper format. The meter of this consumer was changed on 31.05.2014 on his demand. Also the load extension application was made by consumer. The consumer demanded meter change slip and meter testing slip on 12.04.2016, which was given to him. The meter was initially disconnected on 15.12.2015 for non-payment of dues. However, consumer illegally reconnected the service and when it was noticed, the supply was again disconnected on 08.03.2016. The consumer did not make any payment against illegal reconnection of supply and therefore meter was finally removed on 19.03.2016. Consumer thereafter made payment on 12.04.2016 and service was reconnected on 13.04.2016. The utility has prayed that the complaint be dismissed as the consumer did not follow proper procedure and did not apply in required format.

4. After hearing the arguments and perusing the relevant documents filed by both the parties, following points arose for our consideration
 - a) Whether consumer complaint is tenable considering the fact that he has approached this Forum without following due procedure.
 - b) Whether consumer is entitled for any relief

Reasoning

5. An opportunity was given to both the parties.

The facts before us are:

There is an instance of extension of load on application dated 12.04.2016.

There is an application of consumer for change of tariff category.

6. Consumer has paid Rs. 60,000/- towards part payment. Application was not filed in the proper format as required for change of tariff category s procedure also, proper procedure was not followed by the consumer. Consumer directly approached this Forum without adopting proper procedure and claimed for an Interim relief. Rs. 42,000/- is due and payable by the consumer and he is also required to file an application in proper format for change of tariff category.
7. It appears from the dispute that consumer rushed to the Forum, taking disadvantage of his own wrong. Though the consumer has applied for change of category and load extension, these applications were not in proper format. Now the question is whether complaint directly filed before this Forum can be entertained. Certainly the answer is in negative, as it would amount to overriding the jurisdiction of IGRC. Proper procedure to raise the dispute by consumer is laid down in statute, which is not followed by the consumer. Therefore, consumer is required to follow the proper procedure and channel as laid down in Regulation 6.2 which speaks in its last para as "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”

8. Therefore, as consumer did not follow the proper procedure and did not file application of change of tariff category in proper format, we do not find any substance in the complaint. However, in the interest of justice the respondent utility shall not disconnect the supply unless an application in proper format is made and proper procedure is followed. Immediate payment of the dues shall be condition precedent. Hence order

ORDER

Consumer complaint No. 03/2016 stands dismissed with directions to respondent utility not to disconnect the supply till consumer follows due procedure. Utility is entitled to recover to dues.

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**