

(A Govt. of Maharashtra Undertaking)

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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.45 to 55

Hearing Dt. 21.04.2016

In the matter of billing

Common order Case No. 45, 47,48,49,50,51,52,53,54&55 - Applicant

Vs.

M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd., - 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) 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

1. Above named consumers have filed these complaints against the respondent utility. They are running power looms in a huge premise, for which they have filed application for new connection on 02.03.2016 and complied with all requirement. It is alleged by the consumer that he was forcefully made to pay Rs. 20,000/- towards service charges instead of Rs. 8000/-. Thus, all the consumers requested for refund of Rs. 12,000/-. After

filing of this complaint, notice was issued to the respondent utility, who then appeared and filed reply dated 07.06.2016. 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”*

2. Consumers not raised the grievance before IGRC in proper format. All the consumers had applied for the connections for power loom for 32HP and the power applied all the consumer is within the range of 37HP to 67HP. As per circular issued by MERC in Case 19/2012 and Circular of CE/Dist-III/Soc/24500 dtd. 30.08.2012 permissible charges for the ratio of load applied within the range of 37HP to 57HP is Rs. 20,000/-, which is allowed to be recovered from consumer and also is included in office circular. Thus charging Rs. 20,000/- is proper. Respondent utility has attached the copy of the circular.
3. After perusing all the documents on record, issues before us for determination are:
 - a. Whether all the consumers have followed proper procedure in filing complaint before this forum as per regulation 6.6
 - b. Whether consumer is entitled for refund of any amount.

Reasoning

4. On 07.06.2016 consumer representative Mr. Shakeel Ansari appeared on behalf of all the consumers. Respondent utility official also appeared, who submitted that as per Regulation,

(a) consumer should not have submitted his Grievance in the specified format before 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.

The respondent utility filed copy of the circular.

5. To my view, all the consumers should have followed proper procedure. He should have raised the grievance before IGRC.

Directions issued by MERC reads as under:

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 his 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.

6. These complaints are not tenable due to noncompliance of mandatory directions, all these complaints are not tenable. Also to my view if the opportunity to go before the IGRC is not availed by consumer, it is the loss of opportunity of one hearing to the consumer

7. Therefore, we are directing the complainants to approach IGRC at the first stage, and is unsatisfied by its order, they can approach us.

Hence order.

ORDER

The consumer complaints bearing Nos. 45, 47, 48, 49, 50, 51, 52,53,54&55/2016 stand disposed off with liberty to raise the dispute before IGRC cell subject to maintainability.

No order as to the 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. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP