



(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. 46

Hearing Dt.

In the matter of disconnect of supply illegally and prayer for restoration of supply

Mrs. Geeta Patel

- **Applicant**

Vs.

M.S.E.D.C.L. Panvel-I Bhingari Sub Division

- **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. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri. Maske Additional Executive Engineer, Panvel I, Bhingari Sub Division.

ORDER

Consumer No.029130009687 connecting load 10HP sanction load 10 HP

date of supply 24.09.2012

1. Above named consumer filed this complaint against the respondent utility stating that above said consumer receiving the said supply since

24.09.2012 under the category of industrial supply occupied by the said consumer conducting the business under the category of LT V ind upto 27HP on dated 24.07.2015. Officer of respondent utility flying squad visited the premises under instruction of superior in writing at the time of inspection of premises occupied by consumer Deepak Phatak and Bharat Patel at industrial area 325, Balaji Industrial Park, Tondare Village , Taloja, MIDC. Visited the said premises and found while taking the inspection of entire premises at Gala No. C-25 the meter no. 6259627 100/5A Genus make company the seal was tampered and 'Y' phase and 'B' phase reading was tampered. It is also observed by the Addl. Executive Engineer, Flying squad Shri.V. R. Bhingardive who visited the premises on 28.04.2015 on the said meter unauthorized extension of power supply was extended to premises T-24 and B-5 was 170.3HP illegally. There was instance of tampering of the said meter and loss of theft of energy financial loss sustained to respondent utility to extent of 237540 unit valued Rs. 27,35,090/-rupess. Therefore officer of respondent utility flying squad lodge complaint in Kalyan police Station at that time detail Punchnama is prepared on 28.04.2015 in present of witness. The officer also inspected the individual status of meter and check all three meter connected to the premises.

2. In this case present consumer occupied the Gala no D-5 and using the supply illegally and unauthorized. Therefore action is taken and supply was disconnected by removing of the meter on the complaint of authorized officer in Police Station Kalyan litigation is already pending and matter is sub-judice .In this case consumer filed this complaint alleging that respondent utility illegally disconnected the supply without notice and removes the meter without knowledge of consumer. Therefore complaint is

made to make enquiry and giving direction to respondent utility for restoration of supply. Initially the complaint was made to IGRC in Schedule 'X' Form no particular number date or specification informed to the forum. However the complaint filed before this forum on 31.05.2016 came to be registered and thereafter the notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply in para wise on 06.06.2016. It is contention of respondent utility in reply that the present consumer Mrs. Geeta Patel apply for reconnection of supply. However it is inform the details of prosecution initiated by respondent utility against adjacent owner of Deepak Phtak M/s. Mehak Polymers Factory of water storage tank manufacturing unit. It is inform by respondent utility matter under section 135 E.A. 2003 already pending and register against neighbored who unauthorized divert supply to the premises of consumer. Therefore this consumer consent with directly and indirectly taking unauthorized and illegal supply to her premises use for factory purpose and therefore the supply is disconnected as per the report of flying squad and legal action is taken for disconnection of supply immediately. As the matter is subjudisc in Alibag Court this Forum cannot take entertain or admit the grievance as per Regulation no 6.7 & 6.8 which reads as under

6.7 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.

6.8 If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:

- (a) Unauthorized use of electricity as provided under section 126 of the Act;*
- b) Offences and penalties as provided under sections 135 to 139 of the Act;*
- (c) Accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and*
- (d) Recovery of arrears where the bill amount is not disputed.*

3. Therefore the complaint filed by the consumer liable to be dismiss with cost.
4. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:
 - 1] Whether consumer complaint filed in this Forum is maintainable
 - 2] Whether consumer is entailed for any relief.

Reasons

5. Consumer filed all necessary document available to the consumer which and made allegation that supply was illegally disconnected by officer of respondent utility without giving notice. I have given opportunity the consumer and his representative Suraj Chakraborty. I also gave opportunity to respondent utility officer Bhingari sub division Panvel. Both the side appears before the Forum are given date 15.07.2016. I have

perused consumer complaint minutely the allegation of illegally disconnection of power supply and prayer of restoration made. It appears that giving the proceeding initiated by flying squad officer on visit dated 27.04.2015 to the premises at disputed type at Gala No. D - 25. There was incident of theft 135 by tampering of meter and illegal diversion of supply to the premises extended to the premises D-5 occupied by the consumer.

6. I have perused details inspection and checking of meter report dated 27.04.2015 of the consumer Mrs. Geeta Patel concerned to the premises occupied by her at Gala D-5. It is contention of consumer that Mrs. Geeta Patel is not accused nor any legal proceeding filed by respondent utility against her till today neither any legal action is taken. But the connection supply to the Consumer No 029130009687 only which was already connected was found disconnection. After minutely checking the meter testing report It is reviewed to be me that no fault found on meter while the load was on separate wire was feeded and power supply is must by chamber. The meter was not recording consumption and the supply was feeded to separate meter of consumer No. 02913004448. It is also found that load in the premises of Gala No. D-5 was obtain illegally form other meter of Consumer No 029130009687 officer reported that the premised that kept under observation in this reference. I found this consumer making attempt to restore the supply to her premise occupied as Gala D-5 without paying any charges. only on the ground she is not accused is any proceeding and no legal action taken against by respondent utility. To my view if the consumer involved directly and indirectly in the commission of offence of theft those at this instance. She appears to be receiving unauthorized and illegal diversion of supply to her premises and using for

longer time. In this reference consumer not produce any earlier payment of bill of her reading on the meter previously of the premises & consumer not approach to the Forum with clean hand.

7. It is submitted by representative of consumer while prosecuting against in the name of Deepak Phatak amount of Rs. 1,00,000/- of bill already deposited before Alibag Court and the power supply came to be restore and therefore there is no reason for respondent utility to disconnected the supply remain continuously for the premises of this consumer as she is suffering financial loss and therefore her supply to the premises may be restore. But we are not agree with the submission to grant any relief as the consumer is directly and indirectly concern to the act of the theft by neighbored. She also found liable for action for receiving unauthorized supply and continuous illegal use resolved paying any proper charges secondly the consumer connected to the action of theft by neighbor and concern of receiving unauthorized supply false within per view of under section 126 of E.A. 2003. It is liberty of respondent utility to take appropriate and proper action in due cross of low coming to the point of the maintainability of complaint respondent utility submitted that this Forum cannot entertain the dispute and grant any relief as it is contravention of CGRF and Electricity Ombudsman Regulation no 6.7 & 6.8 which quote as above. I agree with the submission made by respondent utility the said consumer cannot take advantage of non prosecution against her or no legal action is taken by respondent utility and claim relief of restoration of supply. However during the cross of hearing copy of CPL meter testing report of MRI data submitted by respondent utility. it is alleged that against this consumer No. 029130009687 from May 2016 the unit of 121999

consumption recorded amounting 1,21,999 unit charges calculated 1,36,158 unit costing total bill 1353711.51/- is payable by this consumer. Therefore proper legal action for recovery of this bill can be taken by respondent utility. However the present complaint as clause no 6.7 and 6.8 prohibit this Forum to take any action or grant relief to this consumer. Hence consumer complaint is liable to be dismissed with cost. Hence order.

ORDER

1. The consumer complaint No. 46 /2016 stands dismissed with cost.
Proceedings closed.
Both the parties be informed accordingly.

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

Note:

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from 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**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**