

(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.47

Hearing Dt. 21.06.2016

In the matter breach of SOP access demand of security deposit

Mrs. Anjundevi Kishan Gopal Tonitia

- **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

Consumer No. 130542324273/TL LT MD

1. Above named consumer filed this complaint against respondent utility alleging that he made application of extension of load from 39HP to 64HP i.e load extension of 25HP for Power loom twisting as per Commercial circular 11 dated 27.09.2007. The existing power looms connection released of 25 HP on 17.03.2015. Consumer gave instruction to get the

address survey no and house number accordingly the correction is made on 23.12.2015 and again on dated 31.012.2015.He made submission to vice president Torrent Power and forwarded copy to MSEDCL nodal officer and the address corrected application for the extension of load finally submitted on 2.01.2016. But respondent utility tell to next steps and no sanction extension of load given. It is submitted by consumer that quotation letter was given to consumer on 23.03.2016 specifying energy deposit Rs 83,000/- cable charges Rs 20,000/- grand total amount Rs 1,03,200/- including (Rs. 100 testing and Rs. 100/- for registration charges) was required to be paid by consumer. It is contention of consumer that sanction and existing load of 39HP which was given to the consumer average monthly bill was about Rs 14,000/-. According to monthly consumption energy deposit 13,000/- for 12 months average and The maximum demand 35 KVA. But respondent utility not followed guideline of MERC supply code & condition supply regulation 2005 regulation No. 11.3. According to consumer the deposit ought to have been Rs. 30,000/- for total power 39 HP + 25HP i.e. 64 HP. It is also contention of consumer as per case no 19/2012 schedule of charges of cable not recovered. Consumer say that the cable already in of 50 sq mm dimension. However respondent utility replaced the said cable with 35mm cable. Consumer submitted that 39HP power supply proposed extension of load 25HP calculated 64 HP and in view of decision of 19/2012 no cable charges are required to be paid. Consumers pray for giving direction of compliance of SOP and decide the objection raised for permission to deposit charges as per consumer wish.

2. After filing this complaint on 20.04.2016 notice was issue of the respondent utility. Respondent utility after service of notice appeared and filed reply on 07.06.2012. Respondent utility submitted that description of above said

consumer and consumer number and address which is provided as per consumer. Respondent utility submitted that consumer not followed proper channel of IGRC as per Regulation 6.2. As per record of utility connection was release on 30.05.1998 and load was 39HP for the power loom. It is submitted by respondent utility that consumer applied for load extension from 39 Hp to 64 HP i.e. 25HP additional. It is submitted by respondent utility that consumer application received on 02/01/2016 and accordingly survey was carried out and informing submission of documents pf partition of premises after compliance firm quotation issued on dated 21/3/2016.

3. Respondent utility submitted that consumer is liable to pay additional security deposit and applicable service line charges for extension of load. Also state that charges as mention in the firm quotation are as per the MERC order case no 19/2012 and MSEDCL circular no CE/DIST-III/SOC/24500 dated 30.08.2012 I have perused consumer complaint say of respondent utility and document filed by both the side.
4. After perusing rival contention of both the sides following points arose for consideration.
 - a. Whether consumer complaint is tenable without following regulation 6.2 of MERC grievance redressal forum and electricity regulation ombudsman Regulation 2006.
 - b. Whether objection raised by consumer for challenging quotation is legal valid and proper.
 - c. Whether consumer is entitled for any relief.

Reasoning

5. On dated 21.06.2016 I gave opportunity to the consumer and his representative Shri. Ansari appeared for consumer. Respondent utility M/s. TPL authorized officer appeared with record. It appears that this consumer

filed complaint to this Forum in schedule 'A' on 20.04.2016. It is further appeared from the record that consumer gave one application addressing to vice president on 31.01.2015. The case of the consumer that he applied for extension of load for 25HP from 39HP i.e. 64HP. To my view filing complaint to this Forum directly without following the regulation No. 6.2 of MERC consumer grievance redressal Forum and Electricity Ombudsman Regulation 2006 which reads 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"* is absolutely wrong and illegal by which the respondent utility loses their right to rectify their own mistake as first stage if any. Secondly, the nature of objection raised for non compliance of SOP.

6. In this consumer complaint, It appears from the record consumer himself not followed the time schedule which was already communicated by respondent utility and not at all deposited any amount within proper time. It means the consumer is at own fault and taking advantage by making false complaint for breach of SOP against respondent utility. The schedule tables no 126 and 127 his produce by respondent utility is verified by us. The charges mention in the quotation is as per the direction of MERC and requirement of the supply which is to be extension demanded by consumer. There is no fault revealed from the record .Therefore consumer has no reason to make objection raised amount mention in quotation directly before this Forum. The questions of not following SOP allegation made are absolutely untenable due to fault of consumer. Hence on the both reason the consumer not approach to IGRC which is required as per regulation No. 6.2 and there is grave violation otherwise on merit

consumer fail to make out case for violation of SOP against respondent utility. On this ground consumer complaint is not tenable liable to be dismiss. Hence I proceed to pass following order.

7.

ORDER

The consumer complaints bearing Nos. 47 stand dismiss with cost.

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**