

(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.48

Hearing Dt. 21.06.2016

In the matter of wrong spot inspection and wrong recovery and non compliance
of MERC direction violation against respondent utility

Mrs. Talimunnisa s Shaikh - 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. 13010137441

1. Above named consumer filed this complaint against respondent utility alleging that she is occupied small shop admeasuring 25 square feet approximately. The shop is so small and nobody is ready to occupy on rental basis.

2. According to consumer the shop was close from September 2010 to September 2014. In the month of oct.2014 consumer started mobile repairing centre in the premises. The respondent utility issued the bill in the month of Jan. 2015 showing consumption of 331 units at an average of 83 unit per month. After verifying calculation of CPL to serious discrepancy was found at April 2013 amount 18341.73/- & March 2013 amount Rs. 12959.11/- also in the month of July 2014 25995.64/-& in June 2014 amount 20991.70/-bill issued. According to consumer they said reading is false and fabricated as the shop was close from September 2010 to September 2016.

3. The bill issue in Jan 2015 It is comes to the knowledge of consumer vigilance recovery charges amount Rs. 12334.90/- shown dues on 20.08.2013. According to consumer this charges shown against the consumer are false & fabricated record by respondent utility. The meter was installed outside the shop premises and is not in the custody of consumer and as per safety meter regulation No. 13.3. & central Electricity notification dated 17/03/2006 the meter is outside the premises it is not responsibility of consumer. Consumer prays for investigating and verifies wrong inspection report and claiming wrong recovery, also the tariff should be charge as industrial instead of commercial which come under mobile repairing centre. The consumer prays for withdraw of vigilance recovery and rectify bill as per 83 units per month and punishment to the officer who committed wrong of respondent utility authority.

4. After filing this complaint on dated 30.05.2016 notice was issued to respondent utility. Respondent utility appeared and filed reply on 07.06.2016. It is submitted by respondent utility that consumer not

followed proper procedure as per Regulation No. 6.2 which reads as under *“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”*

5. As per record of utility connection was release on 01.01.1986 and load was 1KW for the purpose of Shop LT II commercial category. It is submitted by respondent utility the service was disconnected for nonpayment of bill for 24.09.2011. It is submitted by respondent utility that consumer involved in electricity theft cases and it was detected on his service on following dates 15/12/2011, 03/03/2012, 09/08/2012, and 20/8/2013. Therefore the consumer is habitual offender there after the consumer is approach to utility for settlement of dues and reconnection of service and as per request of consumer reconnected on 08.04.2015 after part payment of pending dues form consumer however, the consumer for balance payment issued PDC which was dishonor. The consumer approach to utility office for settlement of vigilance case and it was settle in Jan 2016 under due acknowledgement of consumer & clear all pending due on 25.01.2016.
6. After that consumer has not made any energy due payment and against that service was disconnected ,as per record the consumer found consumption of unit 331 per month from Jan 2015 as per progressive

reading unit recorded on the meter and for nonpayment of charge service was disconnected by utility. During this period the consumer was using the power illegally and made himself connection. The tariff application to the service was correct as per the purpose. As per regulation of 9.3 MERC supply code and other condition of supply 2005 the consumer is responsible and as per service condition utility was not responsible for any damage of the meter installing the premises .In this fact respondent utility pray that consumer complain liable to be dismiss and it is misleading to the Forum and grievance is not inform to the utility. Hence complaints liable to be dismiss.

7. After perusing all the documents on record, issues before us for following points arise for our determination. We give our findings thereon for the reasons stated below

1. Whether consumer complaint is tenable without following regulation 6.2 of MERC grievance redressal forum and electricity ombudsman Regulation 2006.

2. Whether objection raised by consumer for challenging bills is legal valid and proper.

3. Whether consumer is entitled for any relief.

Reasoning

8. It appears form the objection raised by consumer in this complaint she was occupying small premises 25 square feet. As per own contention of consumer the premises was close since September 2010 to September 2014 but no intimation of closer given to respondent utility.

9. According to consumer mobile repairing shop started in the premises in October 2014 first electricity bill was issued in Jan. 2015 showing 331

units and as per consumer theft vigilance case recovery is also shown. This consumer gone to the extent of raising objection preparing of spot Punchnama of the premises and further alleged that wrong Punchnama is prepared and wrong theft vigilance case is filed against her.

10. If this fact to be consider all objection raised by the consumer falls in the category of theft case which is alleged to file by utility against this consumer. And therefore this Forum cannot entertain the dispute which is prohibited by Consumer grievance redressal forum and Electricity ombudsman regulation 2006 clause no 6.8 which read as under *“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

11. Objection by consumer found not proper if she had any objection she should approach to the vigilance cell or IGRC in the case, but this consumer chooses wrong Forum and directly approach to this authority which is not permitted under Regulation no.6.2 which reads as under *“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 IGRC cell”*

12. We found consumer wanted to take benefit against theft vigilance case procedure already filed against her to be rectified by this Forum and seeking relief. To my view objection raising in the consumer complaint is

absolutely illegal and untenable within the preview of jurisdiction as per regulation. Hence consumer complaint is liable to be dismiss with cost. Hence I proceed to pass following order.

ORDER

The consumer complaints bearing No. 48 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**