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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. 60

Hearing Dt. 19.7.2016

In the matter of refund of excess charges punishment for misconduct granting compensation of 25,000/-

Mr. Mohd. Sahid Hafiz Sajad

- Applicant

Vs.

M.S.E.D.C.L. TPL, Bhiwandi

- 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. Pravin Thakkar - 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. 13010024301

1. Above named consumer filed this complaint against respondent utility stating that he obtain LT connection single phase for power loom and lighting purpose to the premises since 01.01.1986 form respondent MSEDCL authority. According to consumer in the month of December 2014,the remises was locked and vacant

respondent utility TPL Ltd., demanded bill of Rs.19, 360/- and restore the supply which was already disconnected. Consumer approach for one time settlement and waiver of interest scheme and made payment of Rs. 15,841/-.

2. According to consumer he verified the bill and found wrong fixed charges bill was claim Rs. 190/- per month instead of Rs. 70/- per month i.e. 180/- per month excess charges recovered by respondent utility is demanded in this complaint with interest. Consumer relied on Commercial Circular 181 dated 12.12.2012 and Circular No. 408 about fix charges. Consumer pray that there was violation of Section 62 (3) (6) sub clause and pray for refund of access fix charges received by respondent utility in August 2016 and also pray for punishment against the respondent utility officer.
3. After filing complaint on 07.07.2016 notice was issued to respondent utility. Respondent utility appeared and filed reply on dated 19.07.2016. Respondent utility submitted that order pass by IGRC, TPL Bhiwandi 02/22.06.2016 is proper. Consumer obtained three phase connection (Consumer No 13010024298) & of the single phase power supply connection having load 1KW power and use for power loom purpose. The service was disconnected in August 2014 on 08.08.2014 for nonpayment of dues and the bill was issued to the consumer. It is found that consumer illegally reconnected the service so again disconnect on date 29.10.2014 and from date that there was no consumption on service.
4. Representative Mr. Pravin Thakkar approach to the utility for payment of dues in Feb. 2016. The Representative was made aware that amount of subsidy withheld on the account of disconnection of the service and payment required to be made. The subsidy was withheld on 03.02.2016 and after payment of dues the service was reconnected on 04.02.2016. Thereafter subsidy was credited on account of consumer on 19.02.2016. Utility representative submit that in IGRC hearing consumer was informed and consumer raised this dispute before the

Forum is wrong and incorrect liable to be dismiss .From record it is found during the period of closing alleged service for the power loom subsidy cannot be benefited to the consumer as not applicable. Therefore the dispute is unreasonable and prima facie case liable to dismiss. Consumer also disputed reply of respondent utility against and denied benefit availed under the scheme and insists to grant the relief.

5. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:
 1. Whether consumer raised dispute of excess claiming fix charges in bill legal and valid.
 2. Whether consumer complaint required entertain as already settle dispute.
 3. Whether consumer is entitled for any relief.

Reasons

6. I have perused dispute raised by consume in IGRC. It is contention of consumer then he obtained single phase connection due to reason is not in use. Respondent utility claim fix charges which is liable to be paid @70/-. The respondent utility claim as per bill Rs.190/- which is according to consumer is illegal. Respondent utility submitted that the service was not in use according to own contention of consumer since august 2014 as on 08.08.2014 the connection was already disconnected for nonpayment of dues and subsidy was withheld .On 29.10.2014 the connection was again disconnected which is illegally connected by the consumer. During that period subsidy was withheld,It appears from this dispute the consumer representative who represent consumer before IGRC and before respondent utility office well aware that during the disconnection service period subsidy is not payable still adamantly he argue the case before Forum and try to bring pressure. It was politely consider to my view when dispute raised

by the consumer already ended by way of settlement applying the scheme and further the charge amount was already deposited by way of settlement. Respondent utility TPL submitted record of status of connection between the disputed period and also benefit of subsidy already given to the consumer and further the status of connection periods. However consumer and his representative failed to satisfy this Forum. How the connection which was disconnected on 08.08.2014 was restore on 29.10.2014 and further admitted the dispute was settled before the authority and amount is paid. As per MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation, 2006 the dispute of bill must be in existent as it was already settled by way of settlement and acted upon after receiving the benefit. To my view consumer or his representative cannot raise same dispute before this Forum again. Therefore, complaint filed by this consumer cannot be entertained liable to be rejected with cost. Hence I proceed to pass following order.

ORDER

1. The consumer complaint 60 of 2016 is stand dismiss with cost.

No order as to the 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, 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**