

(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.67

Hearing Dt. 24/08/2016

In the matter of excess amount charge on fix charges by M/s TPL and claim
refund

Mr. - Mohd Sahid Hafiz Saiad

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.

B - On behalf of Appellant

Shri. Pravin Thakkar - Consumer Representative.

C - On behalf of Respondent No. 1

Mrs. Hemangi Mayekar, Assistant Manager, TPL

Consumer No.1300070024298

1. Above named consumer filed this complaint against respondent utility M/s. TPL stating that the consumer obtained supply under the category of head LT PG date of supply since 01.01.1986 as per bill issued in earlier in June 2016 the arrears was shown Rs 41336/- Claiming fix charges rate 220 earlier billing of this consumer shown zero unit since December 2015. However, in the month March 2015 the consumer was billed Rs 41336/- and fixed charges was claim Rs. 70/- on verification of the said bill the last

amount paid 35701/- on 03.02.2016. Consumer being dissatisfied with the claim of Rs. 220 fix charges recovered from the consumer is excess during the period of Dec. 2015 to further period raised dispute that excess charges recovered to be refunded. He made grievance before IGRC & Consumer also pray that as per policy of Government of Maharashtra Circular No.12.12.2012 the supply for power loom therefore fix charged required to charge only Rs 70 /- per month instead of that respondent utility recovered amount of Rs. 220/- which is excess. Consumer submitted that the service connection was disconnected by M/s TPL for non-payment of due under the scheme of one time settlement amount of Rs. 35701/- deposit on 03.02.2016 along with reconnection charges of Rs. 100/- the supply was reconnected. Now consumer claims the power loom is weaker Section as per Circular recovery of access charges should be recovered in addition the compensation of Rs. 25,000/-. Consumer approach to the Forum and filed complaint in form Schedule 'A' on 16.02.2016. After filing the complaint notice was issued to the respondent utility. Respondent utility after service of notice appeared and filed reply on dated 09.08.2016. It is contention of respondent utility consumer Mrs. Mohd Sahid Hafiz Saiad name having service No. 13010024298 obtain the supply of 18HP load for industrial purpose in the month of September 2015 the service of this consumer was disconnected on 18.09.2015 for nonpayment of dues form he date of disconnection. There was no consumption unit on the service consumer representative Shri. Pravin Thakkar approach to the utility for payment of dues in February 2016. The consumer representative was duly informed about the amount & subsidy withheld on account of disconnection of service and payment to be made arrange Rs 35701/- net of subsidy amount on 03.02.2016. Hence service was reconnected on 04.02.2016 and as per rule subsidy was allowed on this service from 11.02.2016. The supply and service was charge for power loom to industrial since march 2016 as the premises of the consumer was vacant and there was no loom in the premises the same

was confirm by the consumer in his grievance letter. Hence, power loom subsidy was not applicable to the consumer intimation of non application of subsidy to the consumer letter was sent on the address of company and consumer was inform about his status of subsidy in the bill 25/07/2016 which is acknowledge and duly communicate to the consumer. According to respondent utility consumer case no 60/2016 represented by this consumer is already heard and decided by this Forum. Therefore, similar nature of complaint cannot be entertained. Hence grievance is liable to be dismiss with cost. Respondent utility filed extract of refund of fix charges schedule since October 2015 to Jan. 2016 along with earlier record of settlement and copy of notice dated 26.05.2016 and letter issued by consumer on 01.02.2016 request for one time settlement waving the interest intimation letter dated 26.07.2016 reversal of fix charges service from October 2016 to Jan. 2016 sent by utility to the consumer acknowledge on 26.06.2016 by Shri. Safique Ahmad. copy of extract of bill dated 23.01.2016 to 19.02.2016. I have perused document filed by respondent utility thoroughly on dated 09/08/2016I gave opportunity to the consumer and his representative Shri. Pravin Thakkar for hearing as well as representative of M/s. TPL was present before the Forum matter was heard by the Forum on dated 24/08/2016.

2. After considering rival contention of both side following point' s arose for our consideration
 - a. Whether consumer complaint raising objection of refund of excess fix charges illegally recovered is legal valid and proper?
 - b. Whether in this consumer complaint matter is already settled and decided by competent authority can be reopen?
 - c. Whether consumer is entitled for any relief?

Reasoning

3. On perusal of document submitted by consumer himself intimation was given by the consumer since September 2015. The premises was vacant

and not in used .Earlier connection which was supplied under power loom tariff till the use of the premises is charge as industrial application of tariff consumer not inform to the utility secondly, on the own request of consumer he gave application and consent to decide the dispute one time interest wavier settlement by his own letter dated 01.02.2016. Respondent utility filed copy of the said letter which is sign by consumer as per the record the dispute of outstanding energy charges against the consumer was settle by payment of amount Rs.35,701/-. Respondent utility filed receipt & recorded of payment of same it means dispute raised by the consumer under the one time settlement scheme which was raised and finally decided by Competent Authority in this circumstances no prima-facie dispute remains this consumer against the respondent utility.

4. In view of Regulation Forum cannot entertain the dispute which is decided by competent authority finally. Therefore the consumer had no reason to filed dispute again for claiming excess bill by respondent utility. As his billing dispute finally dispose of on 16.02.2016 by Competent Authority. Secondly, as per reply of respondent utility this consumer changes the nature of activity and convert change of supply from power loom to industries since March 2016 which is confirm and admitted by the consumer. Therefore, question of charging excess fix charges for above said period not tenable. Thirdly the status of subsidy record already informs to the consumer by letter dated 25.07.2016 and also mention in the bill number 7091 on date 25.07.2016. Therefore no prama-facie reason arose to the consumer to file his complaint before this Forum. I found grievance already and finally decided by competent Forum under one time settlement cannot be re-open and considered by any Forum. Hence, consumer complaint dismiss with cost. Hence, I proceed to pass following order.

ORDER

The consumer complaints bearing Nos. 67/2016 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)

SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP

SHRI. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP