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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg,Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

**Case No. 604**

Hearing Dt. 30.10.2015

**In the matter of for non use of supply during year 2000-2007**

**Mrs. Minoo Hussain Mhasvadkar**

- Applicant

**Vs.**

**M.S.E.D.C.L., Torrent Power Ltd.,**

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman , CGRF, Bhandup
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Mrs. Minnoo Hussion Mhasvadkar - Consumer

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, Assit. Manager,TPL, Bhiwandi.

**ORDER (Passed on 2.11.2015)**

1. Above named consumer has filed this complaint He had obtained connection to his premises at Ashok Property Building Shop No. 2 at Ahok Nagar, Shop No. 1, Bhiwandi. His consumer No. 13010844112, LT II. According to

consumer the supply is used at the premises at Ashok Nagar for office purpose and the connection was in the name of her husband Shri. Hussion Mhasvadkar. Since there was original dispute for arrears of Rs. 4,78,883/- (calculated by respondent utility on the basis of period from 2000-2007). Her husband had raised the dispute vide an application to MSEDCL. Consumer produced demand bill of April 2011 (for Rs. 4,78,883/-).

2. Thereafter after death of her husband, she lodged complaint with both-MSEDCL and TPL on 13.03.2015. She claimed that demand of accumulated bill which was shown as arrears in the bill of MSEDCL, which is issued by Torrent is wrong and not tenable.
3. According to consumer her husband died on 04.12.2012 and since then premises are locked. The respondent utility demanded the arrases as per CPL since 2007 to March 2015. Accordingly she filed complaint to IGRC bearing Case No. 57/2015 on 17/4/2015. Nodal Officer gave opportunity of hearing and gave order against Mrs. Minno Mhasvadkar
4. Dis-satisfied with the said order, she approached this Forum praying setting aside this accumulated bill.
5. After filing the said complaint, notice was issued to the respondent utility. Utility appeared and filed reply. According to respondent utility IGRC had entertained the dispute. Correction of the bill for the period from 2000- 2007 and demand of arrears of the bill by M/s TPL was considered. According to respondent utility the consumer is having 2 Fans, 2 tube lights in the said premises. According to CPL connecting load is 0.5. The consumption of 5KW x 0.5DF x 6hrs x 30 days was calculated and the bill was claimed by the

MSEDCL. Even interest and penalty and DPC is waived off. Benefit of Rs. 2,74,136/- was already given. It is contention of utility that the consumer complaint regarding billing dispute is already decided by IGRC and no relief should be granted to consumer by this Forum.

6. On perusal of the documents it was noted that Mrs. Minoo is not a consumer, as she has not yet changed her husband's name. Therefore I call upon consumer to produce documents to show that she is a legal heir and also no objection for the change of name from Chairman of Ashok Nagar co. society. Accordingly she filed all relevant documents.
7. It also appeared that IGRC has already entertained her complaint as consumer, even though change of her name for the connection yet not effected; as there is no objection and because present consumer accepted the liability.
8. Coming to the point of limitation to try and entertain the dispute, no dispute 2 year from date of cause of action should be entertained. Even though the IGRC refused to entertain the dispute raised by her husband, admittedly continues demand raised by M/s. TPL showing arrears of accumulated bill of MSEDCL is unpaid.
9. For the purpose of record we have gone thorough the filing of IGRC. It appears that IGRC entertained the dispute beyond the period 2 years from the date of cause of action. As this Forum otherwise was not required to entertain the complaint, but for the decision of IGRC.
10. Therefore, I have given opportunity to respondent utility's Nodal Office

and M/s. TPL. On perusal of record it appears that both the respondent utility failed to apply arrears recovery. This connection was PD since much earlier period and therefore the claim of arrears for a period of six months earlier to the PD should have been set aside. In this case the average unit claimed on the basis of connecting load was already calculated. But the premise was vacant and not in use and also the connection is permanently disconnected. Therefore claiming of bill for subsequent period is totally illegal. Permissible period is only 6 month.

11. In this case, the respondent utility did not take any action for recovery of PD arrears till the application made by the consumer. Therefore accumulated bill claim by utility against the consumer is to the illegal.
12. It view of these provisions of PD arrears, the bill amounting to six month only should be assessed properly. As far as this complaint is concerned, the fact of non use of supply due to death of husband of consumer should be considered.
13. It is appears as per the record that the security deposit of connection is also not refunded and on paper the connection is shown by M/s. TPL. Therefore to our view, accumulated arrears for six months should be calculated from the date of PD (considering connecting load at date of PD), which the consumer is liable to pay. The consumer shall not be liable for any penalty/ interest or DPC charges.

We thus allow this consumer complaint and proceed to pass following order.

## **ORDER**

- 1) Complaint no 604 is allowed..
- 2) The respondent utility MSEDCL is entitled to recover arrears of PD bill for the period six month at minimum rate. No interest and DPC shall be payable by the consumer.
- 3) The respondent utility TPL shall restore the supply as per application made by the consumer as per Rule. No demand of claim of earlier dues shall be recoverable against the consumer.

No order as to the cost.

Both the parties be informed accordingly.

The compliance should be reported within 45 days.

Proceeding closed.

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**