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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

Hearing Dt. 30.10.2015

Case No.603

Shri. Momin Yqual Yasin

Vs.

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

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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) Shri Prakash Sardar- 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 28.10.2015)

1. Above named consumer has filed this compliant against the respondent utility M/s. Torrent Power Ltd., Bhiwandi alleging that in the month of May 2015 he

received electricity bill for Rs. 33107.25/- from respondent utility. Aggrieved with this bill he approach vigilance office, TPL, Bhiwandi and demanded certified copy of inspection report and punchnama date 13.03.2015. He also demanded calculation sheet for claim amounting Rs. 33,107/- and copy of CPL. But there was no response even after filing the said application dated 16.06.2015.

2. It is contention of consumer that he had already given an application to the office of respondent utility on 09.03.2015 and 27.04.2015 informing about the instance of theft of electricity in nearby vicinity and had demanded enquiry.
3. On 29.08.2015 he directly approached the Forum and made grievance about demand of bill and requested for withdrawal of said demand bill and false allegation of theft of electricity.
4. After filing the said compliant before the forum notice was issued to respondent utility on 27.08.2015. Respondent utility filed reply and stated that vigilance case is booked under section 135/1 E.A. 2003. It also stated that the theft was detected twice (on 13.03.2015 and 05.08.2015) during the inspection. Therefore the compliant filed by consumer asking relief is not tenable. In view of regulation no 6.8 no jurisdiction available to the Forum to try and entertain this dispute.
5. Full opportunity was given to the consumer and his Representation Shri. Prakash Sardar and Nodal Officer of respondent utility M/s. TPL.
6. After perusal of documents filed by both the parties, following point arose for our consideration:-

- 1) Whether this complaint is tenable in view of provisions of Regulation no 6.8.
 - 2) Whether consumer is entitled for any relief.
7. After perusing the complaint and the documents submitted by the parties, on the face of record it seems that amount of Rs.33106/- is not shown in the bill. There is only a note on the said bill mentioning amount of Rs. 33107.25/- as 'due' (dated 13.03.2015). Afraid of legal action, this consumer approached the Forum directly.

In this case no compliant is made by consumer to IGRC.

8. It appears that consumer was aware about the inspection, punchnama and enquiry of premises done by vigilance officer on 13.03.2015.
9. It therefore appeared that though the consumer was aware of the proceedings under section 135 of Electricity Act and also sufficient notice to the consumer, he approached the Forum without following due procedure.
10. Thus, in this case it is sufficiently proved that this Forum has no jurisdiction to try and entertain this compliant in view of Regulation **6.8** which describes 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;*

(c) Accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and (d) recovery of arrears where the bill amount is not disputed.”

11. Also allegation of the consumer about legality of action of vigilance and question regarding competence vigilance regarding of monetary direction, this Forum cannot entertain such type of disputes.

Hence we proceed to pass following order.

ORDER

- 1) Compliant no 603 is stands dismissed with cost.
- 2) 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**