

PHONE NO. : 25664314/25664316
FAX NO. 26470953
Email: cgrfbhandupz@mahadiscom.in
Website: www.mahadiscom.in

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. 16.10.2015

Case No.607

Shri. Pravin D. Thakkar
Vs.

-

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

-

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 Pravin D.Thakkar - 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 16.10.2015)

1. Above named consumer filed this complaint against respondent utility alleging that the respondent utility has not complied with the order passed in case no. 561/2015 within one month, therefore action be taken against

respondent utility for non compliance of CGRF order and not computation of bill within stipulated time.

2. After filing this complaint on 26.08.2015 the notice was issued to respondent utility. Respondent utility appeared and filed its reply on 07.09.2015. It is contention of respondent utility that as per order passed in 561 of 2015, the bill was issued to the consumer for Rs. 2 Lakh. However MSEDCL did not calculate or revise the bill because since 26 January 2007, the MSEDCL has handed over to M/s. TPL and also that the application is made after the lapse of 10 years. The utility also has stated that the consumer has misled this Forum as the bill was issued for Rs. 2 Lakh by the office. In the mean time the respondent utility filed application for clarification of order as there was some typing mistake. The said application was filed for clarification by respondent utility on 23.03.2015. After modification of order which was issued in the case of 561/562, this complaint is filed by consumer.
3. After giving full opportunity of hearing modified order was issued on 22.04.2015. The said modified order was received by respondent utility on 08.05.2015 On 27.08.2015 the modified order was reverified and on 27.08.2015 the order was issued. The guidance and implementation of order was communicated on 03.09.2015. As per the said last modified order B-80 was prepared and was sent for approval. As soon as the B-80 approval arrives, which is required as per Office Circular 224 dated 05.07.2015 and Circular guidelines, the calculation and computation of amount would be prepared and it would be sent for sanction. Unless the sanction is received, B-80 could not be prepared. Therefore the delay caused is un-intentional. There is no malafied intention of respondent

utility. Therefore the delay is caused in compliance of CGRF Order for the reason given justified. Thus the utility has prayed that no action for non compliance is required to be taken against respondent utility. There is also no reason to grant any compensation as prayed in the complaint. Respondent utility has filed copy of correspondence and dates of receiving of order in support of its say.

4. After perusing the contention of both the parties following issues raised for determination

1. Whether consumer complaint reviewed any ground for requirement of taking action or grant of compensation against respondent utility officer.

2. What order?

5. On previous two dates of hearing we gave opportunity to consumer Representative Shri. Parvin D. Thakkar who appeared personally. He raised an objection without following decorum of the Forum. As it is the matter related to consumer representative himself and he was present for all the hearing and the fact of typographical mistake in the order which was communicated earlier in within his knowledge.

6. It is also seen from the record that the application requesting clarification was dually communicated to consumer and he filed reply and clarification order was issued after hearing both the sides and finally order was communicated for the respondent utility. The date of order is 27.08.2015 which was received on 03.09.2015.

7. It also appeared form the correspondence and copy of B-80 that revised bill was calculated and prepared after receiving clarification order and it

was communicated to office for approval. The intimation was sent to consumer by letter dated 29.07.2015. Copy of said letter is even filed by consumer. Knowing all these facts, consumer has intentionally filed this complaint.

8. The document and reason of delay is duly explained by respondent utility's officer. We found the delay is not intentional or with malafied to harass the consumer, but it is procedural delay. Reasonable time of 30 days is allowed for the compliance and it is applicable from the date of receiving of copy of clarification order. Apparently, the said order was received by the respondent utility on 03.09.2015 and B-80 was prepared. Therefore we did not find any such unreasonable delay caused for which any imposition compensation or penalty against the respondent utility is required. We are of the opinion that this complaint is filed only with a view to bring pressure on the respondent utility and to avoid threat of recovery. We are not inclined to grant any relief to the consumer as prayed. Hence we proceed to pass following order.

ORDER

1. Compliant no 607 is stands dismiss.

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**