

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

Case No.629

Hearing Dt.16.12.2015

In the matter of CPL

M/s. MECA (Shri. Shakeel Ansari) - 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.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Shakeel S. Ansari, - 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

ORDER (Passed on 17.10.2015)

1. Representative Shri. Shakeel Ansari has filed this Representative complaint made by 15 consumers collectively against the respondent utility M/s. Torrent Power Ltd.,alleging: Violation of Govt. Regulations, Orders and Circulars and Non –compliance of MERC’s Directives and Regulation 8.3 (SOP) 2005 and MSEDCL Circular No. 214 dtd. 09.07.2014.

2. It is alleged that these consumers requested opponent M/s TPL for obtaining CPL details for the purpose of challenging their bills for the period of 2007 onwards. It is contention of Representative that all these complainants individually approached the respondent utility and filed prescribed form along with details and requested for the copy of their CPL record from 2007 onwards. But respondent utility neither issued the said copy within reasonable time nor did it reply to their request. Due to non availability of copy of CPL the consumers could not file their grievance before appropriate authority. Therefore the Representative prayed that necessary direction be given to respondent utility M/s. TPL for issuing copy of CPL immediately to the consumers and further to take suitable action against the erring officer for non supply of copy of CPL in accordance with law.
3. This Forum served a notice to the respondent utility on 26.11.2015. The consumers have filed copy of application made by the all the consumers, along with their identity and copies of bills of the various consumers.
4. After receiving the notice respondent utility appeared and filed reply.
5. It is contention of respondent utility that Representative Shri. Ansari has not followed the required procedure. He has not applied in prescribed format. The identity of each consumer was also not filed. Representative Shri. Ansari was not having proper authority, duly signed by the each of the consumers. Representative Shri. Ansari had applied through email on 16/10/2015 for copy of CPL, to which the respondent utility had replied through email on 30/10/2015. despite this email, the consumers failed and neglected to follow the prescribed procedure, thus the respondent utility was unable to issue the copy of CPL to the representative. This grievance

is filed just to pressurize the respondent utility to bypass the procedure for issuing copy of CPL. There is no substance in this complaint. Complaint is liable to be dismissed with cost.

6. The respondent utility also has submitted copy of Rule SOP 8.3 prescribing procedure and compliance to be followed by consumer while obtaining copy of CPL.
7. After perusing contention of consumer complaint and reply filed by respondent utility, Issues before us for determination are:
 1. Whether complaint of consumer is maintainable.
 2. What ordered?

Reasoning

8. We heard on two occasions to the consumer Representative Shri. Shakeel Ansari. Authorized officer of respondent utility Shri. Dhope, Addl. Executive Engineer was also heard. It is submitted by consumer Representative that they approached the office of respondent utility along with required application in prescribed format. But during the hearing copy of that application was not placed before the Forum. There is no document to show that the consumer approached respondent's office on respective dates.
9. Even a copy of Mail which consumer representative claims to have sent to the office was not placed before the Forum. Therefore doubt has been created in the mind of Forum whether all the consumer went to respondent's officer along with application in proper format and followed all required procedures for obtaining copy of CPL.

10. The Respondent utility submitted that these consumers neither approached the office nor the copy of CPL was refused by the office. Representative Shri. Ansari had applied through email on 16/10/2015 for copy of CPL, to which the respondent utility had replied through email on 30/10/2015. despite this email, the consumers failed and neglected to follow the prescribed procedure, thus the respondent utility was unable to issue the copy of CPL to the representative.

11. At the time of hearing, authorized officer of the utility drew our attention to the SOP (Rules and Regulation) 8.3 which is read as under:-
" Notwithstanding the provisions of Regulation 8.2, the Forum may pass such interim orders, at any stage during the disposal of the Grievance, on the request of the consumer as the Forum considers appropriate pending the final decision on the Grievance. Provided that the Forum shall have the powers to pass such interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the consumer satisfies the Forum that prima facie that the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made there under or any order of the Commission, provided that, the Forum has jurisdiction on such matters. Provided further that, except where it appears that the object of passing the interim order would be defeated by delay, no

such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

12. After giving thorough hearing to rival contentions, we came to the conclusion that all these consumers (No. 1 to 15) failed to comply with required procedure and for filing proper authority in favor of Representative Shakeel Ansari for obtaining copy of CPL.

13. It also appeared during the course of hearing that no document was filed by representative Shri Shakeel Ansari before this Forum to show that required procedure was followed and compliance regarding documents, identification of each of the consumer and separate authority letter was done. Therefore we have reasons to believe that the consumer Representative is not justified in filing this complaint.

14. To our view unless the proper procedure which is required as mention in SOP Rule 8.3 is not complied by the consumer, Respondent utility is justified in not giving the copy of CPL as demanded by them. Therefore we do not find any substance or reasons to consider this compliant or giving directions.

We are not inclined to grant any relief as prayed in this complaint. Hence, We proceed to pass following order.

ORDER

1. Consumer complaint 629/2015 stands dismissed.

No order as to 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)

(I Agree/Disagree)

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP

SHRI. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP