

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co.Ltd.**

Ph.No. 25664314

**Consumer Grievance Redressal Forum
"Vidyut" Bhavan", Gr.Floor,
L.B.S. Marg, Bhandup (W),
Mumbai – 400 078.**

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

Date :-

Case No. 535

Hearing Dt. 03/05/2014.

In the matter of P.D.bill disput & refund of S.D.

M/s. Shabz Mohd. Hussain Achhwa - Applicant

Vs.

MSEDCL, Gadkari Slorr, - Respondent

Present during the hearing

A- On behalf forum,

- 1) S.K. Chaudhari. Chairman**
- 2) R.M. Chavan Member Secretary**

B- On behalf of consumer.

- 1) Shabaz Mohd. Hussain Achhwa.**

C- On behalf of Utility.

- 1) Shri. T.B. Solmanwar.
Incharge Dy. Executive Engineer.**

ORDER

Shri. Shabaz Mohd. Hussein was a user of electricity supplied by Maharashtra State Electricity Distribution Company under services No. 000028000405 with the Sanctioned load of 15 Kw. This Electric connection was in

the name of M/s Kanakia Properties. Pvt Ltd. at shop No. F/C -1, 2nd Flr shopping complex near Teenhath Naka Thane (W).

The shop was closed and there was no use of Electricity, utility has billed consumer on average basis under faulty status over nine months

From May 2011 to Jan 2012.

The Utility has disconnected the power supply for non payment of Electric dues in Feb- 2012.

As per Respondent submission, there was no correspondence from consumer regarding non- use of premises or complainant for faulty and average billing.

According to complaint he was out of country and he was unaware of average billing by the Respondent.

On dt. 07/12/2013, complainant paid the arrears of permanently disconnected Electric connection for Rs. 19280/- and got new Electric connection in the same premises under service No. 000028345183.

The complainant has demanded the rectification of old connection bill and thereby refund of arrears for fictitious billing Rs. 1730/-. He also demanded the interest on the security deposit which was not paid time to time by the utility for an amount of Rs. 7500/-.

He also wants refund of security deposit paid while getting the Electric connection to the tune of Rs. 15000/-.

The matter was heard on 03rd May 2014, both the parties were present, Shri. Shabz Mohd Hussain Achhwa (here after will be referred as to the complainant) was representing his own side and Shri Solmanwar, incharge Dy. Ex. Engineer was represented on the behalf of Utility (will be referred as the Respondent).

According to complaint he has filled his grievance to the Internal Grievance Cell Thane on 23/12/2013, but got no response and hence this Representation.

He submitted that utility has disconnected power supply of his service connection 000028000405 without serving any notice as is mandatory under section 56 of Electricity Act- 2003.

He added that the Respondent has billed him on average basis when there was no use of Electric Supply. The electric supply was disconnected without any notice. for non-payment of fictitious arrears.

He further added that Respondent failed to update the security deposit in his account which he has paid at the time release of this connection and claimed the interest which respondent has not paid time to time.

He also claimed the refund of security deposite while finalising the bill.

The complainant prayed that all the claims should be credited to the account of his new connection under service no. 000028345183. He demanded the action against the erring officers who compelled him to take new electric connection and illegally disconnected the old Electric Connection under the arrers of wrong billing.

The Respondent contended that as per record, M/s knakia properties Pvt. Ltd was the consumer and he has not claimed any dues or rectification of Electric bills. Respondent clarified that as claimed by the complainant the amount of security deposite under service no. 000028345183 is not Rs. 15000/-, it is only Rs. 530/-. He also conceded that if consumer M/s Kanakia Properties Pvt. Ltd. demand the refund of S.D. it will be refunded on production of original receipt. He also conceded that as per Rules and Regulations the interest will be awarded to the consumer on the security deposite for throught the period.

On perusal of documents and arguments during the proceeding it is observed by the form that the amount of security deposite under old service number is only Rs. 530/-. The Respondent is ready to refund the same along with eligible interest to the old consumer on production of original receipt of S.D. and request application. However, it is also true that consumer is billed on foulty status over the period of nine months from May 2011 to Jan 2012, but consumer neighter protest for wrong billing nor informed for nonuse of premises to the Respondent. Moreover he has paid all the dues and sought new Electic connection in the same premises.

The consumer should have approach to this forum in due course but complaint approach after lapse of 2 Years. The MERC (CGRF & EO) Regulations 2006, therein Regulation 6.6 do not permite the forum to entertain the issue.

As regards to the refund of S.D., the Respondent is ready to refund along with interest over the period, provided the consumer should produce the receipt of its payment.

About the disconnection of power supply without notice, the complainant was out of country at the time of disconnection and is unable to substantiate it.

ORDER

The prayer of complainant for rectification of average billing and refund of security deposite along with interest is not tenable as per MERC Regulations 2006 and other reasons elaborated in the forgoing paragraphs and hence dismissed.

The order is passed by two Members of the Forum as consumer Member was not available during the proceeding.

No order as to cost

Both the parties be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup on 15th May 2014.

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.

**S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP**