

**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. 538.

Hearing Dtd. 23/04/2014.
29/14/2014.

In the matter of ar billing to the non-use premises.

Shri. Aminuddin Shaikh - Applicant

Vs.

MSEDCL, Bhiwandi Torrent
Power Ltd, Bhiwandi. - Respondent

Present during hearing.

A) on the behalf of forum,

- | | |
|-----------------------------|------------------------|
| 1) Shri. S.K. Choudhari. | Chairman CGRF. |
| 2) Shri. R.M. Chavan. | Member Secretary CGRF. |
| 3) Smt. DR. Archana Sabnis. | Member CGRF. |

B) On the behalf of Consumer,

- | | |
|--------------------------|--------------------------|
| 1) Shri. Shakeel Ansari. | Consumer Representative. |
|--------------------------|--------------------------|

C) On the behalf of Utility.

- | | |
|--------------------------|---------------------------------|
| 1) Shri. A.L. Deshpande | Nodal officer Bhiwandi, MSEDCL. |
| 2) Smt. Hemangi Mayekar. | TPL, Bhiwandi. |

ORDER

Shri. Mohd. Talha Mohd. Ibraanim a user of Electricity Supplied by MSEDCL, (Now by Distribution franchisee M/s. Torrent Power Ltd.) under service no. 013012096857 through 3 Phase L.T. meter for the connected load of 15 HP to run the Power Looms at H. No. 1172 Opp. Atia Hotel, Bhusawal Compound Nagaon-2, Bhiwandi.

The distribution franchisee, M/s Torrent Power Ltd. has disconnected the power supply of this consumer on dt. 10/04/2014 for non-payment of old dues of distribution Licensee to the tune of Rs. 1000543-42.

The said Electric Connection is in the name of Mr. Aminuddin Vajid Ali shaikh Siddhidque. Mr. Mohd. Talha Mohd. Ibrahim is an occupier of the premises and was paying Electric bill of Distribution franchisee. However declined to pay the old dues of D.L. The Electric supply was disconnected on instruction of D.L. by Distribution franchisee as specified above.

The user of premises approach to the forum without approaching to the Internal Grievance Cell, under the Regulation 6.5 of MERC (CGRF & EO) Regulation 2006 for the interim relief of restoration of power supply. The case was therefore registered vide No. 538 to this forum on 16/04/2014.

The matter was heard on 23/04/2014, both the parties were present, perusal of record available with the forum revealed that the consumer has issued cheque towards Part payment of old arrears to the Distribution Licensee so as to restore supply, and accordingly D.L. has restored power, but the cheque was dishonoured. It was also observed from the Zerox copy of cheque that it was issued without mentioning the payers account number.

The forum observed this kind of attitude of consumer is not of bonafied in nature.

The forum therefore declined for the interim relief of restoration of power supply without clearing the old dues.

The matter was adjourned and was kept for hearing on 29/04/2014. On 29/04/2014, both the parties were present Shri. Shakeel Ansari was present to represent the consumer. According to him, the consumer was billed fictitiously during 1999 to 2007. The consumer has requested to bill him on minimum for

non use of supply vide his application. Dt. 01/06/1999 & 07/09/1999. He further added that there was no meter is the consumers premises.

This can be confirmed from the remark on meter change slip of dt. 25/09/2007.

He prayed that the fictitious billing raised the arrears to the tune of Rs. 10,00,000/- which need to rectify and the justified bill should be issued to consumer so that the consumer can clear the dues.

On the behalf of utility Shri. A.L. Deshpande (here in after will referred as to the Respondent), he contended that the supply was disconnected with due notice to the consumer of non-payment of old arrears. The consumer was also allowed to pay the bill in parts. On request of consumer the first installment was awarded for Rs. 300,000/-. However the consumer has issue fake cheque against the part payment which was dishonored by the bank and hence this disconnection of power supply.

The Respondent conceded that the consumer might have billed wrongly as it appears from his personal ledger record. He also agreed to rectify the inflated bills, however the Respondent objected against appearance of consumer representative without any authorisation from the consumer Mr. Aminaddin Vajid Ali Shaikh. Siddhique. He further submitted that Mr. Mohd. Talha Mohd. Ibranim Ansari is not a consumer to file the Grievance nor he has authorized by the consumer to do so.

Plane reading of documents on record and argument during the hearing explicitly clear that the premises of the consumer was not in use and was informed to the utility vide his letter, dt. 01/06/1999. But Respondent has taken no cognizance and continued billing on average basis.

It appears from the remark over the meter change report dt. 25/09/2007 that there is no power and no meter which make it more clear for non-use of power supply. During the proceeding, the Respondent shows his affirmative view for rectification of bill from 1999 onward owing to the non-use of Electric supply and the request letter of consumer dt. 07th September, 1999.

In view of above, forum feels that the Respondent should withdraw the fictitious billing along with the interest for the entire period from June, 1999 till Jan, 2007.

ORDER

As agreed by the Respondent to withdraw the fictitious billing, the forum therefore directed to rectify the consumer's bill from June,1999 till Jan, 2007 along with interest there on.

Consumer should pay the rectified bill in one stroke.

On payment of rectified bill or proposed rectification; the supply should be restored with recovery of necessary restoration charges.

The Respondent should comply and report to this forum within 45 days from the date of this order

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 26th 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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP