

**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.**

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

Date :-

**Case No. 546**

Hearing Dt. 25/06/2014

**Mr. Ashraf Merchant**

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**Applicant**

**Vs.**

**MSEDCL, Gadkari Sub Division,**

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**Respondent**

**Present during the hearing**

A - On behalf of CGRF, Bhandup

- 1) Shri S.K. Choudhary, Chairman, CGRF, Bhandup.
- 2) Shri Zafar B. Khan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Nobody - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. Anil P. Maske , Dy. Executive Engineer

**ORDER**

Complaint no. 546

Shri. Ashraf Merchant, having Consumer number 000028007281 has filed this complaint before us, for

1. Restoration of his supply (which has been permanently disconnected by the utility in the year 2012).
2. Refund of Security Deposit along with interest.

It is alleged by the complainant that the utility has disconnected his supply without giving him notice as is required by the law.

Facts of the case as stated by the consumer are as follows

The consumer was not using the electricity, but the meter of this consumer was shown as faulty since May 2011. Though the consumer informed about this to the utility, no action was taken by the utility to verify the facts. Thus as per this faulty status, the consumer was billed for 100 units per month. In fact, there was no use of the power at the place. There after depending upon this wrong bill, the consumer was made PD.

Vide this complaint; the consumer has also demanded refund of the Security Deposit along with interest.

The consumer had been to the Internal grievance Cell, where it was held that the PD was done on the fictitious bill and the utility was ordered to refund the security deposit along with interest. But for some undisclosed reasons, the utility failed to comply with the order.

At the time of oral arguments, it was submitted by the utility that

1. It is the fact that there was no use of the power at the place.
2. The utility that the Notice for Disconnection was inserted inside the premises, as the said premises was in locked condition, two witnesses had signed the same to that effect.

Now the questions before us are:

1. Whether the complainant can be allowed.
2. Whether the disconnection was illegal
3. Whether the consumer is entitled to the relief prayed by him

We answer 1<sup>st</sup> and 3<sup>rd</sup> questions affirmatively but question no. 2 negatively for the reasons stated below:

The utility has filed the documents at the time of oral arguments to show that the notice for disconnection was served duly. Thus the said disconnection cannot be held as illegal.

The consumer has prayed for the refund of SD, which was also ordered by the IGRC. But the utility has not given any reason as to why the said order was not complied with. It is also admitted by the utility at the time of oral arguments that the said premises were in locked condition, and the bill was raised on wrong status.

We thus order the utility to refund the Security Deposit of 15,000/- paid by the consumer along with interest at the RBI approved rate from the date when he was made PD i.e. from 15/12/2011.

The consumer failed to explain us why he did not approach the utility for re-connection immediately or within reasonable time. Now since more than 6 months have elapsed, it is not possible to make the same connection live.

We therefore order the utility to give this complainant new connection with immediate effect on completion of the formalities and after he submits requisite documents to prove the ownership/ possession.

The utility is also ordered to file the compliance report before us.

### **ORDER**

1. Complaint no. 546 is partly allowed.
2. Utility is ordered to refund Rs. 15,000/- along with interest (RBI approved rate) from 15/12/2011.
3. The consumer is ordered to complete the required formalities for the new connection.
4. The consumer is ordered to submit the documents to prove his ownership/ possession of the said premises.
5. Utility is ordered to give new connection with immediate effect on completion of formalities by the consumer.

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 30<sup>th</sup> June 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**

**Zafar B.Khan**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**