

(A Govt. of Maharashtra Undertaking)  
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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg, Bhandup (W),  
Mumbai – 400078.

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

Date

Case No. 549

Hearing Dt. 16/07/2014

**Shri. Abdul Jalil Hohd. Bashir Ansari**

- Applicant

Vs.

**M.S.E.D.C.L., Bhiwandi, Torrent Power Limited, Bhiwandi - 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) 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.

### **ORDER**

The consumer Shri. Abdul Jalil Hohd. Bashir Ansari having Powerlooms At H. No. 1168, Nagaon, Bhiwandi-421302, and Consumer no. 13012067458 (herein after referred to as the 'said meter') has filed this complaint before us, praying for

1. Interim Order against disconnection of power supply
2. Refund of the excess amount paid due to faulty meter.

The facts stated in his application are as follows:

- a. The said meter of consumer was defective since 1997, in 'Reject Status and Progressive Reading'. The consumer had informed the Utility about the same, and

accordingly they had replace the said defective meter. The said replaced meter was once again replaced by Torrent on 09/06/2007

- b. Thereafter, in February 2006, the consumer applied for increase in load.
- c. On 08/03/2010, the consumer received a notice for disconnection following which the meter was disconnected on 05/06/2010
- d. The consumer approached CGRF, seeking an order for restoration of, which was rejected by CGRF on 22/02/2011
- e. Meanwhile, MCA 126/11 for temporary injunction in Suit no. 419/10 filed by the consumer before the District Court, Thane was also rejected.
- f. After the consumer made part payment of Rs. 35,000/-, his meter was reconnected by the Utility on 30/04/2012

On receipt of this complaint, a notice was sent the Utility, and accordingly, the Utility remained present through the representative and filed a written say. As per the say of the Utility:

- i. Meter is not in the name of the complainant. Thus he is not a consumer.
- ii. There are arrears of Rs. 3,99,115=38 as on June 2014
- iii. The supply was disconnected for the arrears of Rs. 3,35,237=38 on 05/06/2010
- iv. Thereafter a part payment was made of Rs. 35,000/- by the consumer.
- v. The consumer has reconnected the supply on his own, without any authorization from the Utility.

We have gone through all the documents filed by both the parties. The documents reveal that:

The consumer has arrears of Rs. 3,97,272=28 on 20/06/2014.

There are no directions for reconnection of the meter on part payment of Rs. 35,000/-. In fact the note of the Utility mentions that the consumer has to pay the balance till 30/05/2012 and part payment of Rs.35,000/- should be accepted after payment of remaining amount.

Temporary injunction applied for was rejected by The Civil Court, Bhiwandi on 26/04/2014

Though the consumer has stated that after withdrawing the case from the Civil Court, he has filed this complaint before CGRF, nothing on our record to support this statement.

There is no denial from the consumer about the arrears.

From November 1997 till December 2006 the status of the meter is 'Faulty'

From the bill of Torrent for the month of June 2014 submitted by the consumer it is seen that the consumption of this consumer varies from 2519 to 8381

Now the questions for consideration before us are

1] Whether the complaint can be allowed.

2] If so, what relief

Answering 1<sup>st</sup> question affirmatively, we answer and explain for the question no. 2 as follows:

Though this complainant is not having the said meter on his name, there is no dispute that he is the occupant and user of the power at the said premises.

There is no dispute that the said meter is in arrears.

Only dispute is about the amount of arrears.

Hon'ble Civil Court, Bhiwandi was pleased to reject the application for interim relief of the consumer. Now the consumer has filed the similar application before CGRF, claiming that he has withdrawn his case from the civil court. But there is nothing before us to substantiate his claim that he has withdrawn his case from the civil court.

This amounts to Res Judicata. Hence we cannot pass any order on the interim application.

As far as his prayer for refund is concerned, we order the utility to calculate his arrears on average of last six months as per the Electricity Act. If the calculation shows credit, same has to be credited in the next bill. At the same time if there are arrears, consumer shall pay the same within one week from the receipt of the said recalculated bill. On payment of the arrears and on completing other formalities required for reconnection, utility shall give a new connection within 1 week.

### **ORDER**

1. Complaint no. 549 is partly allowed.
  2. Utility is ordered to calculate the arrears as per last 6 months bill.
  3. Utility shall give credit if any in next bill.
- OR
3. Consumer shall pay the arrears if any within one week from the receipt of the said recalculated bill.

4. Utility to give new connection on receipt of arrears if any and other requisite charges for new connection within one week from the 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 19<sup>th</sup> July 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**