

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 474

Hearing Dt. 26/12/2012

Shri Motilal H. Bafna

- Complainant

Vs.

M.S.E.D.C.Ltd., Bhiwandi

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

1) Shri S.K. Choudhary, Chairman, CGRF, Bhandup.

2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.

3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

1) Shri Pravin Thakkar–Consumer Representative

C - On behalf of Respondent

1) Shri A.L. Deshpande, E.E. & Nodal Officer, Bhiwandi.

**ORDER**

Shri Motilal H. Bafna was a L.T. Power loom consumer under sr. no. 13092621949 at shop no. 2, Zenith compound, Kalyan Rd., Nr. Aasbibli Masjid, Bhiwandi. The said connection made P.D. due to non-payment of arrears some where in 2008. Shri Zaverilal Chopra the proprietor of M/s. Gaurav Trading Company has purchased this premise in the year 2002 when this connection was live and was abandoned with arrears.

M/s. Gaurav Trading Company applied for new HT connection in March 2008 and the utility M/s. Torrent Power Ltd. granted new connection subject to the payment of arrears of the old P.D. consumers and

accordingly Shri Zaverilal Chopra had given Indemnity bond agreed for payment of old electric dues in case old P.D. consumer failed to pay it.

On behalf of Motilal Bafna Shri Praveen Thakkar was present to represent the case he stated that, the consumer applicant is ready to pay the old P.D. arrears of Shri Motilal Bafna; provided the bill should be rectified. He prayed for:

- 1) To refund the security deposit of old L.T. consumer shri Motilal Bafna under consumer no. 13092621949 amounting to ₹ 10,000/- alongwith interest.
- 2) The amount of RLC collected for the period of Dec-03 to Sept-06 from L.T. consumer shri Motilal H. Bafana should be refunded alongwith relevant interest from July-08 onward as per Commission's order.
- 3) The Respondent had proposed to award the tariff difference under Sanjivani Yojana from other than power loom to power loom for the period of Feb - 03 to Sept – 06 for an amount of ₹ 61,808/- for which proposal was sent to Head Office for approval as per the IGRC order letter no. 01092 dtd. 18/06/2007 which was according to the inspection of the premises dtd. 11/08/2004 & 24/12/2005.
- 4) Refund the excess amount collected under average billing of meter change from Feb-05 to July-05.
- 5) As per spot inspection report dtd. 11/08/2004 the excess load penalty charged till May-05 and capacitor penalty till Jan-07 in absence of L.T. M.D. meter should be withdrawn as per Commission's order.
- 6) Provide the benefits of Abhay Yojana as per MSEDCL circular no. 163 & 172 to this old P.D. consumer.

On behalf of utility Shri. A. L. Deshpande, the Executive Engineer, Bhiwandi circle was present, as per his statement these issues were already decided in the Internal Grievance Redressal Cell and the following benefits are proposed to award this consumer.

- 1) The amount of S.D. with interest to be given on production of authorization of Shri Motilal H. Bafna.
- 2) Refund of RLC from Dec-03 to Sept-06 will be given through bills.
- 3) Withdrawal of capacitor and excess load penalty.
- 4) If any wrong bill is issued on average same will be corrected.

However the benefit of power loom tariff will be given after submission of documentary evidence towards number of power loom sanction by Director of Industries.

The matter was heard on 26/12/2012; both the parties were present, the documents on record and arguments during the hearing reveals that, the Internal Grievance Cell has already considered positively most of the prayers. It means that the Respond Utility had confirmed the use of power loom for the said period. The forum dose not found any relevant reason to ask the consumer to produce the certificate for running the power loom. The tariff category is decided on the basis of activity and not merely on the basis of any certificate or licensee, hence Forum is of an opinion that utility should award the proposed credit for difference from OPL to PL.

As regards to the benefits of Abhay Yojana, in the present case consumer have no P.D. arrears and hence this yojana cannot be applied.

About the correction of billing dispute for the average billing under meter change, the said status is refundable, the Respondent should observed this while correcting the bill.

### **ORDER**

- 1) As elaborated above, the benefits of Abhay Yojana is not applicable to this consumer and hence his prayer is deserved to be and hereby rejected.
- 2) The security deposit of ₹ 10,000/- alongwith R.B.I. interest at the saving bank rate should be awarded to M/s. Gaurav Trading Company provided M/s. Gaurav Trading Company should submit the undertaking on

bond paper that if said amount is claimed by old consumer Shri Motilal H. Bafna, M/s. Gaurav trading company will be responsible for its refund.

3) The amount collected under RLC head for the period of Dec-03 to Sept-06 should be credited alongwith interest effective from July-08 as per Commission's order.

4) As regards to the claim for tariff difference for OPL to PL, the Respondent utility should award the same along with interest at the RBI Plane rate.

5) The capacitor penalty imposed from Aug-2004 to Jan-2007 and excess load penalty till May-05 should be withdrawn alongwith interest which is applied to the consumer as decided in the case no. 2 of 2005 by Hon'ble Commission.

On correction of consumer bill the balance amount should be recovered by the Respondent utility.

The compliance should be reported within month.

No order as to cost.

Both the parties be inform 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 23<sup>rd</sup> of January 2013.

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**