

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

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

Case No. 485

Hearing Dt. 21/03/2013

Shri Hitesh M. Dani . - Appellant

Vs.

MSEDCL, Panch Rasta S/Dn., Mulund - Respondent

Present during the hearing

A] - On behalf of CGRF, Bhandup

- 1) Shri S.K. Chaudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B] - On behalf of Appellant

- 1) Shri Sanjay R. Shukla, Consumer representative.

C] - On behalf of Respondent

- 1) Shri S.H. Mane, Dy. Ex. Engr., Panch Rasta S/Dn., Mulund.
- 2) Shri Bharat Sankpal, Art 'C', Panch Rasta S/Dn., Mulund

The consumer shri Hitesh M. Dani having consumer no. 600000822628 (LT-V), Meter no. 931275 carrying on his activities at gala no. 11, Jamnadas Industrial Estate, Dr. R.P. Road, Near Jawahar Talkies, Mulund (West), Mumbai – 80 has approached this Forum on 08/03/2013 for the redressal of his grievance.

Facts in brief :

The consumer is a owner of above mentioned gala & using electric supply of the MSEDCL for industry.

On 11/06/2008, the meter got burnt due to high voltage, which was replaced by MSEDCL on 12/06/2008 after spot inspection & on payment of ₹ 22,500/- as a meter cost.

On 16/06/2008, official of MSEDCL retrieved MRI of the replaced meter & subsequently a bill dated 29/07/2008 for ₹ 11,88,825/- was issued u/sec 135 of EA 2003.

JE lodged his report at 06/08/2008 at Kalyan police station subsequent to disconnected of supply & removal of meter and case (being no 62/2010) was lodged v/s consumer.

Since the MSEDCL did not restart electric supply inspite of repeated request, the consumer approached Additional Consumer Grievance Redressal Forum, Mumbai suburban.

As per interim order dt.17/11/2008 supply was restarted on 29/07/2008 on payment of ₹ 6,00,000/-. Thereafter, the consumer was acquitted from the charges of theft by special court, vide court order dt.23/12/2011.

Now the consumer has approached this forum with prayer seeking order for

- 1) To refund ₹ 6,00,000/- along with interest there on.
- 2) To cancel the bill of ₹ 11,88,825/- along with interest charged.
- 3) To accept the current bills from the consumer.
- 4) Not to disconnect the supply during pendency of this complaint.

We have gone through the documents placed on record before forum & also heard both the parties on 23/03/2013.

Observation :

It is seen from the documents that 1) The consumer has withdrawn his complaint from the additional CGRF Mumbai suburban.2) Special court has passed an order on merit in the case no 62 of 2010 acquitting the consumer.3) acquittal order was pronounced in the open court on 23rd December 2011, when Ms. Jyoti Sawant, appearing on behalf of State was

also present.4) Till today, the utility has not preferred any appeal in the Court against the order of acquittal.

It is argued by the respondent Shri. S.H. Mane for the MSEDCL that the utility has received order of the Sessions court on 29/12/2012 & till then they were not aware of any such order.

This is clear that the 1) the consumer has already paid ₹ 6,00,000/- as per interim order of additional CGRF to restart his supply.2) The consumer has been acquitted from the charges of theft. 3) At present there is no appeal pending/filed in any Court/Forum.

With all this discussion, after considering all these facts, we have arrived at a conclusion that the prayers of the consumer should be allowed. We pass an order that the utility should.

- 1) Accept the current bills from the consumer.
- 2) Refund ₹ 6,00,000/- along interest as per RBI rules from the date of payment by way of adjustment in the next bill/s.
- 3) Cancel the bill of ₹ 11,88,825/- and interest charged there upon.

ORDER

- 1) Complaint no. 485 is allowed.
- 2) Utility is ordered to refund ₹ 6 lacs alongwith interest (at RBI approved rate)
- 3) Utility should cancel the bill raised u/sec 135 of ₹ 11,88,825/-
- 4) Utility to provide uninterrupted supply of electricity to the consumer & accept current bill/s.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 08th April 2013.

Note : 1) If Consumer is not satisfied with the decision, he may proceed within 60 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 go in writ 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