

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

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

Date :

Case No. 492

Hearing Dt. 18/04/2013

M/s. S. R. P. Textile - Complainant

Vs.

M.S.E.D.C.Ltd.

&

- Respondent

M/s. Torrent Power Ltd., Bhiwandi

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 Punjabi Adil Akhtar –Consumer Representative
- 2) Shri Sajid Ansari–Consumer Representative

C - On behalf of Respondent

- 1) Shri A.L. Deshpande, E.E. & Nodal Officer, Bhiwandi.
- 2) Shri N.K. Joshi, Torrent Power Ltd.
- 3) Shri Rao, Torrent Power Ltd.

Being aggrieved by the decision of IGRC dtd. 28/02/2013, the present representation is filed by complainant.

M/s. S.R.P. Textiles through proprietor Mr.Saeed A.Ab. Rauf Punjabi had applied for power loom MP and power loom LT, the consumer nos. are 13010141855 (power loom MP), 13010141863 (power loom LT) respectively. It appears from the paper on record on 12/01/2000 complainant informed to Dy. Ex. Engr., MSEDCL urban division, sub-divn-II, Bhiwandi, regarding closer notice in respect of both the consumer nos. referred above.

It also appears that some where since Feb-07 the then MSEB/MSEDCL handed over the above referred sub-dn. to run it properly to M/s. Torrent Power Ltd. as a franchisee.

On 20/11/2012 complainant submitted an application to M/s. Torrent Power Ltd., Bhiwandi for revision and rectification of electricity bill in respect of the consumer nos. referred above. In this application it has been informed to M/s. Torrent Power Ltd. that the premises of above consumer nos. has been closed and vacant during MSEDCL time the average bill by M/s. Torrent Power Ltd. on the ground of closer of premises is wrong and not acceptable to him. Therefore it was requested by complainant to rectify and correct the bill.

Then it appears M/s. Torrent Power Ltd. after inspecting and verifying the premises were pleased to waive the average bill of the consumption for the period 26/01/2007 to 01/01/2013, however the fixed charges were reflected in CPL of ₹ 5,121.74 for consumer no. 13010141855 and ₹ 5,107.76 regarding consumer no. 13010141863.

The grievance of complainant before IGRC was that as per MERC's tariff's order, no fixed charges can be levied on power loom consumer in electricity bill generated of April-2009. The status of consumer/complainant was that of power loom so it has requested to IGRC to withdraw the fixed charges levied on power loom MP and power loom LT at the earliest.

Meanwhile on 06/02/2013 M/s. Torrent Power Ltd. informed to Superintending Engineer, MSEDCL, Bhiwandi regarding consumer's application for non use of premises it is mentioned in his letter that based on consumers complaint the site was verified and observed that there was no meter on site, hence, assessed bill of M/s. Torrent Power Ltd. are revised but fixed charges is being claimed to consumer as there was no power loom and so subsidy can be levied for fixed charge. The same was objected by consumer on the ground that the meter was taken away by MSEDCL before take-over by M/s. Torrent Power Ltd.

As referred above, IGRC by its order dtd. 28/02/2013 observed fixed charge was levied to consumer as there was no power loom activity and ultimately the complaint of complainant was dismissed.

After registration of this complaint the notices were issued, the defense taken by the Respondent is that even if initially the meter were installed for the purpose of power loom MP and power loom LT but since the year 2000 the

power loom activity is not being conducted by the complainant no question arises of the withdrawal of fixed charges and claiming the subsidy, therefore the complaint may kindly dismissed.

After having the submission and perusal of documents on record the following points arise for our determination.

- 1) Whether complainant is entitled for the withdrawal of fixed charges for both consumer numbers are referred above i.e. for power loom MP and power loom LT?
- 2) Whether MSEDCL/Torrent Power Ltd. can be restrained from claiming the fixed charges as shown in paragraph no. 2 in a chart of the complainant i.e. ₹ 5,121.74 and ₹ 5,107.76?
- 3) What order?

Our findings to above points are

- 1) No
- 2) No
- 3) See below order

Reason

We have heard both Complainant & Respondent at length. During the hearing we have observed that the decorum of this Forum is not properly maintained by Complainant. We have also observed that the Complainant while having discussion used to interrupt amongst the Forum. The grievance of the Complainant was that the Forum was not giving full opportunity to him to put forth hearing. However the Forum has given the complete hearing to the satisfaction of Complainant we have taken even the short notes of the submission made by Complainant as well as Respondent.

We could gather some admitted facts from the party from the submission as well as from the documents on record.

Consumer no. 13010141855 is of three phase. Consumer no. 13010141863 is of single phase. We also observed from the application made by the Complainant to the then MSEB in 2000 regarding to the closer notice. It is mentioned by the Complainant in this application that due to unfavorable market position he has completely closed down the unit since 1st Dec. 1999 he has also

mentioned in the application that he will inform for restarting of unit till then he should be billed on minimum charge of fixed rate charge. This indicates that there was no request by the complainant for the permanent disconnection of meter. On the contrary it appears the Complainant was interested in getting the bills with minimum standing charges at a fixed rate, so that in future when he would start power loom again he might not be required to submit an application for fresh meter.

It is strange to note that the meters from the premises are missing. We are unable to understand who could be responsible for the missing meters from premises. It is argued by Complainant that the meters were removed by MSEDCL where as the stand taken by MSEDCL is that it does not know as to who has taken those meters from the premises. In our considered view the meters are the property owned by utility, but it is given in the custody of consumer so it is the prime duty of the consumer to see safe custody of the meters. In our view if it was the stand taken by Complainant right from the beginning that meters were taken by authority of MSEDCL, then the consumer ought to have brought notice to the higher authority of MSEDCL. In either case if the meters were stolen from the premises the complaint ought to have registered to police by Complainant under intimation of MSEDCL. There is total failure of the complainant while discharging his duty as stated above being a prudent citizen.

Now when meters were not available there and when M/s. Torrent Power Ltd. since Feb-07 came in picture as a franchisee of MSEDCL when issued the assessed bills complainant under its letter dtd. 20/11/2012 requested to M/s. Torrent Power Ltd. to revise and rectify the bills as the premises is closed and vacant even during MSEDCL time. Torrent Power Ltd. after verification of premises was pleased to rectify the bill of the consumption charges but the fixed charges were not waived. The fixed charges were claimed from the consumer i.e. Complainant as there was no power loom and no subsidy can be claimed for fixed charges in such case.

The grievance of Complainant is that even though he has closed his unit, basically the meters were installed for power loom MP & power loom LT and therefore as per the policy of Government either MSEDCL or Torrent Power Ltd. cannot claim this fixed charges from the Complainant.

We are unable to digest this submission of Complainant that though he was not running a power loom but still then the fixed charges cannot be claimed. On the contrarary it was requested by Complainant to MSEDCL, on restarting of

unit he will intimate to the company of the starting of activity. Not even that he also requested the bill should be issued to him at the minimum standing charges. In our considered view this minimum standing charges includes the fixed charges merely because initially the meters were taken for power loom MP and power loom LT and subsequently not running unit for power loom. Complainant cannot be benefited with any subsidy for fixed charges. When he is likely to start again power loom in future in that case he may be considered from company for the subsidised fixed charges which may be applicable for the power loom, hence for the above reason we answer the above point accordingly and passed following order:

ORDER

Complaint is dismissed

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 29th of April 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