

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

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

Date:

Case No. 506

Hearing Dt. 03/08/2013

In the matter of disconnection of supply for non payment of arrears

Shri. Panchanda D.Shah. - Complainant

Vs.

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

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri.Praveen Thakkar. –Consumer Representative

C - On behalf of Respondent

- 1) Shri. A. L. Deshpande Executive Engineer MSEDCL, Bhiwandi.

ORDER

Shri. Panchand D.Shah is a 3 phase L.T. consumer having 27 HP Electrical load used to run the business of yarn Dying. As per statement of consumer, the Respondent utility's staff has disconnected his Power supply for non-payment of factitious arrears. Consumer was billed on average basis under the status of locked. for the period of August 2006 to Jan 2007. However consumer claimed that his premises was in non-used condition and hence the fictitious billing should be windrawn.

On 26th Jan 2007 the Bhiwandi Circle was handed over to M/s. Torrent Power Limited under the franchisee agreement by the Distribution Licensee. The M/s. Torrent Power Ltd., (TPL) replaced the faulty meter of the consumer and also rectified the average billing of the consumer from Feb. 2007 onward. Consumer is paying the Electricity dues of M/s. Torrent Power LTd.,

The consumer has not clear, the MSEDCL's arrears amounting Rs. 1,34,725/- and hence supply was disconnected.

Consumer had requested to the Distribution Licenses for Installments which was considered and was allowed to pay Rs. 55000/- and balance Rs. 78,783/- in the next month.

On receipt of the cheque amounting to Rs. 55000/- Distribution Licensee had restored the supply. However this cheque of Rs. 55000/- was dishonored result in the disconnection of Power supply.

Consumer approached to this Forum for interim relief in terms of restoration of supply.

The matter was heard on 03/08/2013 both the parties were Present perusal of documents and arguments during the hearing reveals that the billing disput is of the period of Aug. 2006 to Jan 2007.

It is not understood why consumer has not approach to this Forum or even Internal Grievance Cell in year 2006 – 2007.

Considering the Regulation 6.6 of MERC (CGRF and Electricity Ombudsman) Regulations 2006 this Forum could not entertained the Grievance where cause of action arisen is beyond of 2 years.

As stated by the consumer that utility has not refuted the claim of revision of bill and hence there was no cause of action arisen to approach to the Grievance Cell or Forum. We declined this as it is made very explicit in Regulations 2006 that if the Grievance Cell have not responded for more than 60 days, the consumer may approach to the Forum. The spane of seven years is to -much and can not appended without proper reasoning.

It is also admitted that the cheqe issued against the installment granted in the. Electric bill is dishonored and in such case Forum can not intervene.

As agreed by the Respondent to restore the Power supply on payment of installment awarded to consumer Forum therefore feels that consumer should pay the amount of first installment Rs. 55000/- either by D.D. or cash along with reconnection charges and utility should restore the supply.

Forum also feels that it the bills issued to the consumer are inflated, it is the duty of utility to get that bill rectified and clear the dispute.

ORDER

- 1) The consumer should pay the part bill amounting Rs. 55000/- in cash or by D.D. along with reconnection charges. The Respondent should restore the supply.
- 2) The balance installment should be pay by consumer as agreed between the parties

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, Bhandup on 07/08/2013.

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

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP