

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

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

Date

Case No. 368

Hearing Dt. 17/02/2011

Interim cum final order

Restoration of Power Supply

Smt. Ranishheb P. Pratisthan

- Applicant

V/s.

MSEDCL (TPL, Bhiwandi)

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Shakeel Ansari -Consumer representative

C - On behalf of Opponent

- 1) Smt. Sandhya Iyer – Astt. Manager TPL.
- 2) Mrs. Savita Bhatia – Astt. Manager TPL.

ORDER

Smt. Ranishheb P. Pratishthan is a single phase agriculture consumer having sanction load of 40 HP under service no. 14650537816 at Padgha Dohale village, Taluka Bhiwandi.

This connection was sanctioned and released by then MSEB and handed over for to M/s Torrent Power Ltd., the Dist. Franchisee on 26th Jan 2007.

This agriculture connection was in arrears of MSEDCL for an amount of ₹ 1,04,432.01 and that of M/s. TPL for ₹ 1,58,254/- by the end of Jan 2011.

For non-payment of arrears M/s. Torrent Power Ltd. disconnected power supply. Aggrieved of this consumer approach to this Forum for interim relief of restoration of power supply.

Accordingly case was registered vide case no. 368 on 14/02/2011 and hearing was fixed on 17/02/2011. Shri Shakeel Ansari was present to represent the case. As argued by the representative M/s. Torrent Power Ltd. and MSEDCL have not billed this consumer as per directives of Government of Maharashtra given in GR- dt. 27/05/2005 though he was eligible for subsidized rates applicable to agriculture consumers. He further stated that above agriculture connection is used for pumping the water for cultivation of crop around 100 Acres of agriculture land of Ranishheb Pratishthan. He also claimed that due to this disconnection of power supply there is huge loss of agriculture products without water. Moreover he also claimed that M/s.

Torrent Power Ltd. disconnected his power supply without serving a notice which is mandatory as per 56 (i) of Electricity Act 2003. He also shows his willingness for payment of arrears, if corrected as per Government Regulation dt. 25/04/2005.

The Applicant consumer reiterated that the utilities (both) had not passed the subsidy awarded to the agriculture consumer by Government of Maharashtra time to time. He added that the utility had not billed the consumer with the agriculture tariff as decided by Government of Maharashtra dt. 27/04/2005. He also submitted the copy of GR to the Forum.

For the counter argument Smt. Sandhya Iyar and miss Savita Bhatia were present to represent the case on behalf of M/s. Torrent Power Ltd. They stated as follows.

At the outset, the present complainant should have filed his complaint before the Internal Grievance Redressal Cell, Bhiwandi (herein after referred to as IGRC) of Torrent Power Ltd. for redressal of his grievances, but instead of filling of complaint before the IGRC, the complainant has directly filed the complaint before the Hon'ble Consumer Grievance Redressal Forum, Bhandup (herein after referred to as CGRF). Thus on this ground the said complaint should be dismissed.

They further stated that all the bills raised for the above service are as per the MERC tariff order dated 12th September, 2010 and subsidy is being

given as per Government decision no. VPA-2005/Q no. 269/energy-3 dt. 27/05/2005 of Government of Maharashtra.

They argued that the consumer is in arrears of ₹ 1,58,241.63 of TPL and ₹ 1,04,432 of MSEDCL and the consumer has not made a single payment till date.

As there is no disputable amount, question of giving interim relief does not arise and consumer is required to make the necessary payment towards the outstanding energy dues with reconnection charges for restoration of power supply.

In the view of the above facts they requested the Forum not to grant any interim relief to the consumer.

The matter was proceeded on 17/02/2011. Both the parties were present. On going through the submission of Applicant consumer and after careful consideration of documents on record, Forum observed that consumer was billed with the agriculture tariff and same was explained by the Opponent to the consumer.

As regards to the subsidy, the Opponent stated that the billing rates charged to the agriculture consumers are itself subsidized and hence there is no question arises for additional subsidy to the consumer.

On this clarification, Applicant consumer satisfied and agreed for the payment of arrears, but he was not satisfied with the rate of interest charged

on arrears and requested to the Forum to keep aside the amount charged towards the interest on unpaid arrears.

On this Forum feels that the utility should imposed the interest on unpaid arrears as decided by Hon'ble Commission with the rate of 12%, 15% & 18% for the delay in payment for 3, 6 & above 6 months respectively as per Commissions order dtd. 18/05/2007.

In view of the above, Forum directed to the Applicant to pay 75% amount of the arrears of (MSEDCL ` 1,04,432/- + TPL ` 1,58,254/-) which comes to ` 1,97,015/- in one stroke and utility should issue the demand note for reconnection charges and restore the power supply on its payment.

Balance 25% amount i.e. ` 65,672/- along with current bill should pay in next billing cycle.

As mentioned above if consumer fails to pay the arrears, utility is free to take action as per the provisions in the Regulations.

Compliance should be reported to this Forum after next billing cycle.

No orders as to cost.

Both the parties should be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 4th of March 2011.

Note :

- 1) In absence of Chairperson the order is issued by Member Secretary and Member of the Forum.
- 2) If Consumer is not satisfied with the decision, he may go in appeal 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.

- 3) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP