

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

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

Case No. 303

Hearing Dt. 11/01/2010

**In the matter of Interim order/final order for change of
tariff**

Smt. R.S. Fakh - Applicant

Vs.

MSEDCL & M/s. Torrent Power Ltd., - Opponent
Bhiwandi

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 Respondent

- 1) Ms. Sandhya Iyre, Asstt. Manager, M/s. Torrent Power Ltd., Bhiwandi.

ORDER

The applicant approached on 08/01/2010 with this Forum vide case no. 303 for seeking relief in the matter of threat of disconnection of her power supply by the utility (M/s. Torrent Power Ltd.) for non payment of arrears bill.

The applicant consumer Smt. R.S. Fakh is having connected load of 5 HP under consumer no. 013010788786 at house no. 48, second Nizampura. Near Tasebawdi, Bhiwandi.

The applicant consumer get this connection reconnected in Feb-2003. The utility (MSEDCL) was charging the consumer at non-power loom (OPL) tariff. However consumer insisted that her usage was for exclusively for power loom industry. She has brought this fact to the notice of utility officials many times in early days. Finally, she put the facts in black and white through her application on 08/09/2009. She requested utility to inspect her premises to verify and confirm her contention and award the credit as per PL tariff from October 2008. To support this she submitted the copy of acknowledgement receipt dtd. 14/10/2008 of her application made to Textile Commissioner.

Applicant consumer also mentioned in her application that the utility officials had already inspected and confirm the use of power loom on the visit to his premises on dtd. 11/09/2009.

The Applicant consumer also stated that she was reluctant to pay the energy bills because of wrongly bill tariff (OPL).

M/s. Torrent Power Ltd. have issued here a notice of disconnection of her power supply for non payment of her fictitious arrears amounting to Rs. 1,13,579/- on dtd, 22/11/2009.

Prayer of the consumer:-

Utility be restrained from disconnecting her power supply and is willing to pay the bills if corrected with the tariff of power loom from Oct-2008.

Utility's representative (Mrs. Sandhya lyre, Asstt. Manager, M/s. Torrent Power Ltd.) stated that the consumer had approached to them for the first time on 09/10/2009 and accordingly premises and installations are inspected by our officials and billing tariff is changed from OPL to PL from Nov-2009.

She also reiterated that while taking over the Bhiwandi Circle area from MSEDCL to run on franchisee basis in Jan-2007, this consumer was handed over to us as with her billing record on the basis of OPL.

She also stated that the consumer had never paid any energy bills from taking over this area under franchisee by our company. Hence a 15 days notice of disconnection of power supply under 56 (i) of E.A. 2003 is issued to the consumer on 22/11/2009.

She further stated that the consumer be directed by the Forum to pay the energy bill arrears.

The matter was heard on 11/01/2010 by the Forum. Mrs. Sandhya Iyer (Asstt. Manager, TPL) representing the utility and Shri Shakeel Ansari, consumer representative were present.

The documents on record as also the arguments put forth their sides were examined. The Forum feels that the consumer is using the supply to run the power looms and has applied to the utility on 09/10/2009 requesting to change her tariff into consideration the use of supply by her for power looms. She also submitted the acknowledgement receipt for the request to grant the permission for power loom to the Textile Commissioner on dtd. 14/10/2008.

Her request is corroborates with the date of her application for the permit of power loom to the Textile Commissioner and hence the Forum has no hesitation to grant his request to bill on PL tariff from Oct-08.

The utility should award her the tariff difference credit from October-2008 onwards.

During the hearing the consumer has shown her willingness to pay to the utility the corrected bill arrears in one stroke. The consumer should make the payment within a period of 15 days from the date of issue of corrected bill, failing which the utility is at liberty to take action as per Regulations.

Forum also observed from the record that huge arrears of MSEDCL are outstanding to the consumer, which should be paid, by the consumer and utility should take efforts to recover the same.

Compliance should be reported to this Forum within one month.

No orders as to cost.

Both the parties are to 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 15th of January 2010.

Note : 1) 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.

2) 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