

Preamble

Mr. Ashvin Treasurer is a residential consumer having signal phase connection in the name of M/s. Harasiddha Builders at Harasiddha Park, B-2 Building, 401 Pawar Nagar, Thane with consumer No. 000010642990.

He registered his grievance by fax to the Forum for interim relief against the disconnection of his electric supply by MSEDCL on dtd. 10/2/2010. Accordingly the grievance was registered vide case No. 309 and hearing was fixed on 15/2/2010 as there were continuous holidays, in between.

On the behalf of consumer Shri Ashvin Treasurer was present to represent the case. As per applicant's say dt. 8/2/2010, Shri Kale line helper of Utility disconnected his supply for the arrears which are under dispute. The applicant enquire for the disconnection notice whether issued to him by Utility and as per applicant statement Shri Kale replied in negative. He further stated that Shri Kale was not having nameplate and could not produce his identity on Applicant's demand. The Applicant tried to establish contact on phone with the concerned sub divisional incharge and sectional incharge but failed. At last he sent message on his mobile to subdivision incharge of Kolshet and sectional incharge of Patlipada section about illegal disconnection. He could not get feedback from Utility officials for this illegal disconnection. He therefore sent a fax to this Forum on which his grievance was registered under case No. 309.

During the course hearing on the day 15/2/2003 applicant raised an objection on non-attendance of Nodal officer of Thane for the hearing. This is against the provision in the MERC, Regulation 2006.

Prayer of Consumer: -

- 1) To restore his supply.
- 2) The concern line staff should be called for enquiry.
- 3) The compensation of Rs. 10,000/- for illegal disconnection of his supply and line staff should be penalized for not having nameplate or identity card.

Utility Say :

Shri S.D. Gaikwad, Dy. E.E. Kolshet Sub division and Mrs. J.L. Jadhav Jr. Engr. Patlipada section was present to represent the case.

On the claim of the Applicant that his supply was disconnected by Utility without any notice was denied by Utility. To ascertain the same and for counter enquiry, Utility officials were ready to keep present the concerned area line staff if allowed by the Forum to present for the next hearing. They also agreed that they were in the receipt of message of disconnection on cell phone from the consumer. They confirmed that there was no disconnection made but could not replied to the consumer because of their busy work schedule.

During the second hearing on dt. 4/3/2010 Utility submitted their written say mentioning that the consumer

is raising again and again the previous disputes of bills which were already rectified and the effect was given in the month of August 2006 and waived of DPC and interest for an amount to Rs. 1798/- and Rs. 33230/- respectively.

They also submitted that for non-payment of corrected bill, the DPC and interest was charged and hence the consumer's arrears reached to the tune of Rs. 66340/-, which consumer still failed to pay and he is paying his current bill by cheque.

Observation :

The first hearing was held on 15/2/2010 in which Forum gave an the interim order for restoration of supply if at all was cut and also directed the Utility to made available the area line staff (Mr. Kale) to ascertain disconnection of supply for the next hearing which was held on 4/3/2010.

The matter was heard on 4/3/2010 where the consumer and Utility officials along with area line staff were present with their written say.

During the course of hearing the area line staff Mr. Kale was questioned by the Forum whether he had visited the premises on 8/2/2010, which he replied affirmative. Forum asked whether he had disconnected the supply of the consumer, on this replied that he requested the consumer to pay the arrears bill or otherwise his supply may disconnected according to the procedure. Forum

asked Mr. Kale whether there is any procedure to take the note of disconnected consumer on which Mr. Kale showed the arrears list and remarks with the final reading of disconnected and also the payment details of all attended consumers in the list. Forum observed that in front of name of the consumer there was remark of 'bill dispute'. From this Forum observed that no remark of disconnection was found on the list against this consumer.

Forum also asked the line staff that whether he was having his nameplate and identity card with him he produced both. Forum also asked that on dt. 8/2/2010 whether consumer had asked about the nameplate or identity card he admitted it and replied that he showed the identity card to the consumer.

Consumer also cross-questioned to Mr. Kale with the due permission of Forum. He asked Mr. Kale the same questions and also asked for mandatory disconnection notice, to this Kale replied that he was not having any disconnection notice and was having only the list of defaulter consumes to peruse them for immediate payment of arrears.

From the submission of the consumer dt.25/2/2010, it is observed that consumer confirmed about his supply on day of first hearing on his returned to the home at 6 p.m and was found live.

Forum also asked the consumer that apart from this whether he has any other grievances. He replied to that, for the other grievance he will independently filed them.

The consumer also raised the issue of non-attendance of nodal officer. But as the MERC (CGRF&E.O) Regulation 2006 therein Regulation 6.15 narrates as follows.

A consumer, distribution licensee or any other person who is a party to any proceedings before the Forum may either appear in person or authorize any person other than an advocate (within the meaning of the advocates Act 1961) to present this case before the Forum and to do all or any of the acts for purpose.

In this case it was found that Nodal officer of Thane Circle appointed Mr. Gaikwad to present the case before the Forum with his authorization hence Forum feels that there was no violation of MERC (CGRF& E.O) Regulations.

As regards the Applicant claim that his supply was illegally disconnected was denied by Utility officials and counter enquiry of the line staff and non-availability of concrete proof of disconnection it is difficult to reach on the conclusion that supply has been disconnected and in such circumstance it will not justified to award a compensation or punish the concerned.

ORDER

As it could not established the illegal disconnection of supply the demand of compensation is hereby rejected.

No orders as to cost.

Both the parties 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 March 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

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
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