

O R D E R

Shri Sonumal SunilKumar is a 3-phase power loom consumer of Dist. Licensee i.e MSEDCL, Bhiwandi and thereby its Distribution Franchisee under consumer no. 013542240134,. There are two more electric connections under consumer no 013542191133 and 013542240126 in the same premises for lighting purpose at H. No. 1678/2 Khoni Village, Mithi Road Sainath Compound, Bhiwandi. It is alleged by the consumer that he was wrongly billed with MF-1 instead of correct MF of 0.5 and after corrective action, MSEDCL Utility has asked to D.F. i.e. TPL to credit the amount through ensuing bill but TPL is neighthor effecting the same in the power loom electric bill nor adjusted against the lighting connections bill arrears. The Distribution Franchisee has not credited the amount of Rs. 3.31 lacs which were collected from Licensee and also the interest which have to be awarded to the Applicant is also not given; on the contrary the D.F. is imposing interest on the arrears of other lighting connection at the rate of 18% / annum. Hence the Applicant consumer demanded the interest on credit amount of the power loom connection with the same rate. The utility has disconnected the electric supply of lighting connection on 13/07/2009 for the arrears without issuing notice. This could not have arisen, if credits of power loom connection were adjusted against the arrears of the lighting bill arrears and hence the grievance has areiesn. The grievance of consumer registered in this Forum vide case no 320 and hearing was fixed on 15/04/2010.

On the behalf of Applicant, Shri G. B. Singh was present to represent the case along with the consumer and on the behalf Torrent Power Ltd. Smt. Sandhya Iyer Astd. Manger and Smt. Savita Bhatia Astd. Manger were present, presenting the Torrent Power side where as Shri S. V. Kale Ex. Engineer the Nodal Officers were present from the D.L. i. e. MSEDCL.

As stated by the representative of consumer Applicant that the utility has wrongly billed the power loom consumer (Consumer no.013542240134) for period of Feb 2003 to Sept 06 with the multiplying factor of unity instead of 0.5, which MSEDCL utility corrected and asked the Torrent Power, the Distribution Franchisee of MSEDCL to credit in ensuing bill. However the consumer Applicant requested vide his letter 06/08/2008, to either refund the credit bill to him or adjust the same with the arrears in the lighting connection. But D.F. did nothing, on the countracy the Utility has disconnected his electric supply of remaining live lighting connections. The Applicant further stated that instead of adjusting the credit of power loom connection with the lighting connection, the Utility billed the power loom consumer on average consumption of 8400 units, which was in the state of non-use and tried to diminish the credit in the bill. Thus the Applicant demanded the compensation towards SOP for billing the power loom consumer on average basis without taking reading for five months which should be at the rate of Rs. 200/- months.

The Applicant further added that the Distribution Franchisee is not complying the order passed in this Forum in respect of case no 134 dt. 05/04/2008 of this same consumer for which the Applicant had approached to the Hon'ble MERC under section 142, &146, 149 of E.A.2003, where it was directed by the Hon'ble commission that Utility should complying it within 3 weak period but till date RLC amount is not refunded by the Utility.

During the course of hearing the Opponent Utility submitted there say which states that the consumer was given enough opportunities to pay arrears and also notices served before disconnection but he failed to make payment and therefore it had no alternative but to disconnect the supply. Even before his approached to CGRF he could have approach to ICGRC of DF at Bhiwandi to solve his grievance but he did not, and thus the said compliant should be dismissed. The Opponent further added that the disconnection of power supply is done within the section 56(i) of E.A. 2003 by serving 15 days notice to the consumer's on 31/01/2009. However this same consumer has filed his grievance before the Hon'ble MERC vide case No. 106/08 hence the said notice of disconnection were kept in abeyance and subsequent to the order passed by Hon'ble MERC the notice was effected and supply was disconnected for non-payment of arrears on 31/07/2009. The Opponent reiterated that they are not in receipt of an Application from the consumer for adjusting the credit of power loom consumer under consumer no. 13542240134 against the arrears of his other two lighting connections, if the

Applicant is willing so, he should apply accordingly the amount will be adjusted.

The Opponent further stated that assessed bills have been prepared from Nov-09 to till date due to non-availability of readings and inaccessible meter. The consumer has been asked repeatedly by the Utility to allow the service to be shifted outside the premises so that the meter readings can be taken regularly. Infact on receipt of the consumer's compliant, we sent our personnel for site visit and called up the consumer's representative to keep the premises open and special reading were obtained in the presence of consumer's representative. The readings have been updated in their system and accordingly the subsequent month bill will be prepared as per actual reading and the assessed bills from Nov-09 to Mar-10 will be reversed.

As regards to the non-compliance of CGRF order in case no 134 dt.05/04/2008 the Opponent stated that it was complied and same was reported vide letter dt. 04/06/08 and 31/07/08. Moreover the Hon'ble MERC order in case no 106/2008 also complied & reported vide letter 29/05/08.

The document on record & arguments during the hearing, reveals that the Opponent Utility has not taken cognizance for long period and hence consumer have no alternative than to approach directly to this Forum. It is also on record that Opponent utility failed to serve the bill as per consumption of Applicant consumer for a period

Nov. 09 to March10, if at all the meter was inaccessible, it was duty of the Opponent Utility as per MERC Regulation 2005 there in Regulation 15.3.2 to serve the notice for not less than seven clear working days to keep the premises open for taking the meter reading but Opponent Utility failed to do so.

Forum feels that as regards above consumer Applicant should be awarded SOP for non-reading of his meter for period of Nov-09to March 10 excluding early two months and at the rate of Rs.100/ month for first month & at the rate Rs. 200/ month for the rest.

Moreover Forum also feels that the credit of the connection no. 013542240134 should be adjusted with the arrears of connection no.013542191133 & 013542240126 and the interest at the reserve bank rate should be given when it was become first due to the consumer. There is no provision in the Regulation and E.A.2003 to award the interest at the rate of 18% / annum on the balance credit amount hence Forum could not consider the demand of consumer to award the interest at which he was charged for the arrears pending.

For the non- compliance of Forum's order the consumer should approach to the Hon'ble MERC, which is a right floor to decide and take the necessary action in this respect.

In the present case Forum here by directed to the Opponent Utility to award compensation towards SOP for non-reading of consumer Applicant's meter and adjust the credit of power loom connection with the arrears of both the lighting connections and credit debit should be affected in the ensuing bill of the consumer, as elaborated in the forgoing paragraphs and after clearance of arrears, if any the power supply should be restored on requested of the consumer.

In this case Forum could not observe the time limit as the member present during the hearing was on leave for one month period.

The case is therefore disposed off in terms of above order.

No orders as to cost.

Both the parties should informed accordingly.

Compliance should be reported to this Forum within 30 days from the date of receipt of this order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 7June 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