

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

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

Date :

Case No. 166

Hearing Dt. 26/02/2008,
18/03/2008 & 29/04/2008

In the matter of earst while arrears

Shri Ansari Riyaz Ahmed Gaffar. - Appellant

Vs.

MSEDCL, Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Shakeel Ansari, Consumer's representative.
- 2) Shri Ansai Riyaz Ahmed, Consumer.

C - On behalf of Respondent

- 1) Mr. R.P. Choudhary, Ex. Engr., Bhiwandi circle.
- 2) Mr. Kele, Manager, M/s. Torrent Power Ltd.
- 3) Shri Prafull N. Thakkar.

PREAMBLE :

The consumer registered his grievance with this Forum for interim order on 26th Feb. 2008. Forum issued him an interim order on 27/02/2008 that not to disconnect the consumer upto next hearing on 18/03/2008. The next hearing was postponed on request of consumer's representative and final hearing was held on 29/04/2008.

CONSUMER'S SAY:

Ansari Riyaz Ahmed Gaffar was having power loom connection with consumer No. 01301306763015 with 36 HP connected load. The said connection was issued on 03/02/2008. The consumer paid Rs. 32060/- for IP meter and Rs. 3025/- for IL meter on 01/11/2007.

For this connection consumer had applied on 01/11/2007, as utility did not issue him a connection for power loom till 01/01/2008. He approached to utility (M/s. TPL, DF) on 01/01/2008 to expedite his connection, utility given the assurance to arrange the power supply within 2-3 days. But on 02/01/2008 they give re-spot inspection report with No. 2908. In the said report the utility pointed out that there was an already electric installation in working condition, some old bills of MSEDCL were also found in the premises. According to the consumer this inspection report is untrue and frivolous. Infact in this premises only a trial production of cloths was being taken. Subsequently the utility (TPL, DF) demanded old arrears in the name of Shri Mehwish Riyaz Ahmad, for the premises H.No. 705/1 with connection no. 13012539155/5 amounting to Rs. 67000/- at Peernipada, Nagaon, Bhiwandi. Utility forced to pay the old arrears which was in the name of Shri Mehwish Riyaz Ansari and as I had no other alternative to pay the old arrears in installments with initial installment of Rs. 7000/- in

cash and followed by six post dated cheques of Rs. 10000/- each. He also reiterated that the arrears which were shown in the name of Shri Mehwish Riyaz Ansari is not related with me, as it is related to the premises having H. No. 705/1 and not with my premises having H. No. 1367. Hence he is not liable to pay the fictitious arrears shown in the inspection report. During the hearing consumer also raise the point that Shri Prafull N. Thakkar, Advocate in Gujarat High Court which is not permissible in the CGRF.

Prayer of the consumer :

- 1) To scrap the said survey report of dtd. 02/01/2008.
- 2) To refund Rs. 7000/- which was paid by the consumer.
- 3) Since the meter was not connected within 30 days S.O.P. should be applied as per MERC directives
- 4) Compensation against the payment done to the labours for 3 months amounting to Rs. 80000/-

UTILITY'S SAY:

- 1) The complainant had applied for new connection for 36 HP and for lighting load and made payments to the company. However, company could not locate his address and hence their officials accompanied the applicant to the said premises on 21st Jan 2008.
- 2) Company's Vigilance officer were also present during the visit. It was notice that, cloth production on the power loom in the premises was in progress with ready cloth, machinery, yarn etc. it was noticed that electricity power being used but the meters were removed and only

meter board was found fixed. In the premises two bills of MSEDCL were found. These bills were bearing consumer No. 13012539163 and 13012539155 each having 10 HP load and complainant using 36 HP load. On request the applicant/his representative could not produced Municipal property tax receipts similarly complainant/owner also could not produce record, the date of purchase of looms and their work ability from the manufacturer.

3) The owner subsequently visited the office of the company and admitted that the said premises was being used for the purpose of power loom for 36 HP. The bills which were found in the premises the address on the bills is the same where the DF alongwith him visited. He also further admitted that he had removed the meters and falsely get his application registered in the name of tenant. Finally complainant agree to make the payment of erstwhile arrears in installments. The company granted him seven installments by post dates six cheques each of Rs. 10,000/- and cash of Rs. 7000/- total Rs. 67000/-. He submitted a declaration that in case other arrears if occurred will also be paid by him. Reeling on this the company provided new supply to the complainant on 03/02/2008.

4) The said payments were made to the company on behalf of Shri Mehwise Riyaz Ahmed only the cash payment of Rs. 7000/- was received while the cheques given was bounced. However in view of interim order pass by CGRF, the power supply was kept continue.

The payment of the erstwhile arrears as also declaration given by the complainant owner is also free will.

OBSERVATIONS:

1) Shri Prafull Thakkar representing utility is paid employee of utility (TPL DF) having designation of General Manager (legal), as such he cannot be barred to attend the Forum.

2) A copy of utility (DF) say was handed over to complainant representative in the course of hearing. He was also requested to offer his comment, the Forum also asked consumer/applicant to produce the documents regarding the premises and its agreement, last 8 years municipal tax receipts, Textile Commissioners certificate. However, despite three hearing and no. of telephonic reminder, complainant and his representative could not produce any record as above to the Forum also there is a mischief of removal of the meters from the premises while power was being used. Therefore complainants grievance does not appears genuine which is not explained complainant consumer since enough time is granted and consumer is not turning up. The case deserves to be decided ex-party.

ORDER

1) With respect to above observation the case stand dismissed ex-party. Also because of mischief and misleading by the complainant to utility there is no need to grant any SOP and compensation to the applicant.

2) The utility is free to take further action as per rules and regulation.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 9th of May 2008.

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

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP

