

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

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

Date:

Case No. 210

Hearing Dt. 26/08/2008, 10/09/2008

& 19/09/2008

**In the matter of change of purpose i.e. OPL to Powerloom tariff**

**Shri Haroon N. Mamon**

- Appellant

Vs.

**MSEDCL (TPL) -Bhiwandi**

- Opponent

**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 consumer**

- 1) Mr.Shakeel Ansari (Consumer Representative).

**C - On behalf of Utility.**

- 1) Shri Jadhav, A.E , M.S.E.D.C.L., Bhiwandi.
- 2) Shri Gaurav Gautam.- Executive (Legal), M/s. Torrent Power Ltd.

**Preamble :**

Consumer registered his grievance with this Forum on 22/08/2008 vide case No. 210 for an interim order for restraining from disconnection of power supply. Consumer registered his grievance on 8<sup>th</sup> May 2008 with ICGRU, MSEDCL, but he did not receive a date for hearing till 22/08/2008. Hence he directly approached the CGRF (Forum). C.G.R.F. fixed a date for an interim on 26/08/2008. Both the parties were not prepared for hearing. Hence Forum gave an oral orders to TPL not to disconnect consumer's supply till next date of hearing for interim order. Next date for interim order was fixed on 10/09/2008. During the hearing consumer and utility agreed on some points:

- 1) Consumer agreed to pay the regular bills within five days.
- 2) Till then TPL would not disconnect the supply on above condition.

This case was to be converted into an appeal against the order of ICGRU (MSEDCL), Bhiwandi and hence consumer had sought the time for the same. Next hearing date was fixed on 19/09/2008.

**Consumer's Say :**

Appellant Shri Haroon N. Memon is having a LTPG connection at H. No. 26, Nagaon 1, Kanti Seth Comound, Opp. Asbibi Masjid, Bhiwandi with 10 HP sanctioned and connected load with consumer No. 13010806237.

According to the consumer, he is also having one more power loom connection in the name of Haroon Noor Memon (Same name) having consumer No. 13010000267 with 12 HP connected and 18 HP sanctioned load situated at Palls compound, Kalyan Road, Bhiwandi.

Consumer further stated that both the connections (power loom and LTPG) are in the same premises and the warping machine is connected on LTPG connection, which is an allied activity of the above power loom connection. Hence utility should convert the OPL connection to power loom connection so that he can get the subsidized tariff of allied activities as per Govt. of Maharashtra vide order dtd. 27/05/2008 for power loom consumers.

Consumer also stated that he wrote a letter to utility on 18/08/2005 requesting them to change the purpose of warping machine from LTPG to Power loom to get Govt. subsidy. He also sent a reminder on 31/03/2008 to TPL, which was acknowledged by TPL on 25/04/2008.

During the hearing Forum asked him if these two connections were at different premises consumer replied that the premises were same but there was a wall between these two connections and two different three phase meters were issued to the consumer. But the consumer was using it as allied activity for power loom.

Consumer also clarified that Shri Haroon N. Memon and Haroon N. Momin is same person. It was a mistake of utility while punching the name in the computer.

During the hearing consumer was agreed to club both the connections to avail the subsidy of Govt. of Maharashtra.

**Prayer of the consumer :**

1) As both the premises are owned by Shri Haroon N. Memon. Utility should consider a warping machine is an allied activity of the power loom industry. Hence tariff of warping (OPL) is to be changed to power loom (PL).

**Utility Say :**

Utility submitted their two compliances on 08/09/2008 and 23/09/2008.

As per first compliance report it is stated as follows :

1) Instead of filing the complaint to ICGRU – TPL, consumer filed his complaint directly to CGRF, hence it should be dismissed.

2) Consumer representative did not submit the authority letter/power of attorney to the Forum. Hence complaint should be dismissed.

3) As both the connections are in two different names and address –details are follows :

- a) Consumer No. – 13010806237, (10 HP, LTPG, Twisting)  
Name of consumer – Haroon Noor Md. Memon.  
Address : House No. 26, Nagon – 1,  
Kantiseth Comp., Opp. Asbibi Masjid,  
Bhiwandi – 421 302.
- b) Consumer No. – 13010000267, (18 HP, Power loom)  
Name of consumer – Haroon Noor Mohd. Memon.  
Address : Palls Compound,  
Opp. Asbibi Masjid,  
Bhiwandi – 421 302.

Hence the question of granting power loom tariff to consumer No. 13010806237 (10 HP LTPG Twisting) cannot be done.

4) These two connections are having two different three phase meters through two separate different service Nos. As per different Circulars which are as per the regulations of the MERC and provision of law, it is very much clear that the one premises can only have one three phase meter for one separate premise and if in that premise if any consumer uses power loom and other machineries which are used for power loom, in one single premise, only in that case, the consumer can get power loom tariff for the use of machineries used for power loom purpose.

5) Thus, in the present case, no power loom tariff can be granted to consumer No. 13010806237, (10 HP, LTPG, Twisting), used for power loom purpose, the same is in different name, in different premise and most importantly for totally different and separate consumer number.

Hence case is dismissed.

Second compliance submitted by TPL on 25/09/2008 which states as follows :

- 1) As per directions from the Forum, company (TPL) carried out site inspection of the premises having consumer Nos. 13010806237 and 13010000267 on dtd. 20/09/2008.
- 2) Consumer No. 1301000267 (Three phase) is in the name of Shri Haroon Noor Mohd. Momin having address as above (given in submission of 08/09/2008) but the above premises is being used by one of the tenant Shri Bhavesh Mehta.

There are total three meters connected in the said premises. Two three phase meters are used for power loom having sanctioned load of 18 HP and 17 HP and third meter is for LT power loom having sanctioned load of 1 KW and 1 warping machine having load of 5 HP. During the inspection total connected load was found 31 HP and 920 watts. Occupier of the premises was not ready to accept the spot inspection report. Hence it was pasted on meter board.

- 3) Another connection having consumer No. 13010806237 having 10 HP sanctioned load and the purpose is LTPG in the name of Shri Haroon Noor Md. Memon.

As per spot inspection report above connection is using one of the tenant Shri Prakash Sharma and two warping machines with 10 HP connected load was found.

It is also found that there is no common door within the premises an concrete wall was made between these two premises. Even though the access of both premises are different.

Further, 13010000267 is used for purpose of power loom and in the same premises the consumer is also having warping machine which is used for power loom purpose.

Considering above fact of the complainant is not eligible for the tariff of power loom as an allied activity.

**Observations :**

From the above submissions Forum has observed the following points :

- 1) Consumer sent a letter to utility (MSEDCL) on dtd. 18/08/2005 asking for the minimum bill for consumer No. 013010806237/5 which is in the name of Haroon Memon. This connection was released by MSEDCL on dtd. 20/07/1990 as LTPG. In the above letter consumer asked for change in tariff from Industrial to power loom for consumer No. 1301000267 which was released on 01/01/1996 as Industrial connection. Hence it is observed that he had not created any dispute about the consumer No. 13010806237/5 regarding the tariff change.
- 2) As per consumer's letter dtd. 18/08/2005, a spot inspection was carried out by utility on 06/10/2005 for consumer No. 013010000267 for change in tariff from industrial to power loom. The action had been taken by utility and after 06/10/2005 consumer was billed as per power loom tariff. Hence consumer's intention about change of tariff for No. 237 is false.
- 3) Consumer had never asked any change in purpose till 25/04/2008 for consumer No. 237 (ending digits). It is observed that utility did not take any cognizance of this letter.
- 4) Consumer approached with this Forum on 22/08/2008 for an interim order for restrain the utility to disconnect his electric supply. On 26/08/2008 both the parties appeared for the hearing without prepared, hence, Forum on their request postponed the date of hearing to 10/09/2008. Oral instructions were given to TPL not to disconnect energy supply till next hearing for interim. On 10/09/2008, an interim order was issued by the Forum, consumer was asked to pay all regular bill within 5 days and next final hearing date was fixed on 19/09/2008 on their request.

On 19/09/2008, it was observed that consumer did not follow the interim order, which was given by the Forum on 10/09/2008. According to the consumer, regular bills means only current bill which consumer was ready to pay flat. TPL did not accept the current bill and asked the consumer to pay regular bill (with all arrears), which was raised by TPL from Feb-2007 with MSEDCL's arrears also. Hence consumer paid the regular bill by cheque without MSEDCL's arrears.

5) As per direction of Forum, a utility (TPL) carried out spot inspection on 20/09/2008 for both the consumer No. 237 & 267. During the inspection it was found that both the premises are having different access or entrance. There is a concrete wall in between two premises. Both the consumers nos. are having in the name of Shri Haroon N. Memon and Haroon N. Monin. Not only that both the premises were given on rent and different people are running their business. On consumer no. 267, there was a warping machine installed and consumer is getting the tariff relief under allied activities.

6) As per circular No. 11 dtd. 27/09/2005 "*if the allied machinery do not have power looms in the same premises under one roof, then such industry shall not be eligible for subsidy in tariff*". In the above case, existing warping machines for consumer No. 237 does not have any power loom/weaving machinery in that premises under same roof. Hence he is not eligible in subsidy "allied activity tariff" for his industry. As both the premises have different entries and consumer nos. in other words utility should clarify that the subsidies tariff shall not be applicable to the consumer having only the allied machinery of weaving preparatory without any power loom.

8) From the electricity bills issued by utility, owner's names are Momin and Memon, which appears typographical mistake. Thus in reality Shri Haron Memon is the real owner of both the premises (for consumer no. 237 & 267). It was revealed during the spot inspection that the electrical connection bearing consumer no. 237 is being actually run by one Shri Prakash Sharma, while second consumer bearing consumer no. 267 is being run by one Shri Bhavesh Mehta. In conclusion, consumer no. 237 premises run a business of operating warping business while consumer no. 267 premises run a business of power loom. Both these premises has different/separate entry points and they are in no

way to concern with each other, consumer no. 237 is not having any power loom/weaving machinery and as such is not entitled for subsidy meant for power loom tariff.

9) Further as per regulation the consumer is filed the grievance in CGRF directly in prescribed format "Schedule A" with or without representative to represent the consumer in the proceeding before the Forum. The utility objection that the consumer ought to have a Notarised power of attorney in the name of Shri Shakeel Ansari (representative) is not sustainable.

## **ORDER**

In view of detailed discussion on every point raised by the consumer in the foregoing paras the case does not stands on merits and hence dismissed. "No order as to cost".

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 25<sup>th</sup> of Sept. 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**