

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

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

Date:

Case No. 211

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

In the matter of Reduction of load

Shri Habib Rehman Abdul Wahid Ansari - 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).
- 2) Shri Habib Rehman Abdul Wahid Ansari, Consumer.

C - On behalf of Utility.

- 1) Shri R.P. Choudhary, Ex.Engr. (Nodal Officer) , 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. 211. He approached directly to this Forum for an interim order. Final hearing date was fixed on 10/09/2008. Prior to this, utility vide interim order after due hearing was asked not to disconnect the supply till Forum's final order and also to pay to the utility Rs. 40,000/- immediately.

Consumer's Say :

Shri Habib Rehman Abdul Wahid Ansari is having a power loom connection situated at Pall's compound, 1st floor, Aasbib, Kalyan Road, Bhiwandi – 421302 having consumer no. 013010325891/5.

Consumer sent a letter to utility on 03/09/2003, which was inwards on 04/09/2003 by utility explaining that his connected load was 25 HP and sanctioned load was 32 HP. He submitted wiring test report alongwith this letter.

He again wrote a letter to utility on 14/02/2004, which was inwards by utility on 16/02/2004 explaining that his factory was closed on account of repairing work and it would start from 15/04/2004. He also wrote that though his sanctioned load was 32 HP his connected load was only 26 HP and hence he asked the utility to reduce the load to 26 HP. He reiterated his grievance regarding the reduction of load by 76 HP sending a letter to utility on dtd. 06/09/2004. He also requested to revise the bill accordingly and credit should be given to him.

A spot inspection was carried out by utility for his billing complaint on 06/10/2005. According to this inspection the connected load was also 26 HP.

Despite writing so many letters to utility, utility did not take any cognizance of his grievance and was continued to bill according to sanctioned load of 32 HP.

He again wrote a letter to Nodal Officer, Bhiwandi Circle on 04/08/2008 and 28/08/2008 stating the same matter. He also stated that due to non-reduction of his load, he had been shifted to a higher power loom tariff slab i.e. above 27 HP for no fault of him. He again requested utility to rectify the lapse on their part and correct his tariff slab so that he could pay the bill. But no response was given by TPL also.

Prayer of the consumer :

Due to the negligence on part of MSEDCL and Torrent Power Ltd., the tariff category of his power loom unit had been automatically upgraded to the above 27 HP slab and thus putting him to unavoidable loss from 1st Jan-2008. Hence it should be reduced to 26 HP and revised the bills accordingly and credit should be given from 03/09/2003.

Utility Say :

M/s. Torrent Power Ltd. submitted their compliance on 09/09/2008 to C.G.R.F.

- 1) M/s. Torrent Power Ltd. never received any letter from the consumer regarding reduction of load from 32 HP to 26 HP. Hence the question of reduction of load did not exit.
- 2) M/s. Torrent Power Ltd. received a letter from consumer on dtd. 20/08/2008 which was not addressed to MSEDCL.
- 3) While handing over the operation to M/s. Torrent Power Ltd., the sanctioned load was 33 HP as provided by MSEDCL. Hence company was charging the consumer as per 33 HP.

Hence, M/s. Torrent Power Ltd. was not at fault for charging the complainant as per sanctioned load of 33 HP.

During the hearing M/s. Torrent Power Ltd. suggested that if MSEDCL is ready to give the consent for reduction of load from 33 HP to 26 HP M/s. Torrent Power Ltd. will take immediate action and bills of consumer will be revised accordingly.

Observations :

Facts of the case and documents on records show that despite writing many letters for reduction of load from 32 HP to 26 HP. MSEDCL argued that a spot inspection was carried out by utility on 06/10/2005 and confirmed that the connected load of the consumer was 26 HP only. Accordingly a letter was sent to the Ex.Engr. on dtd. 17/10/2005 to fulfill the request of the consumer. But it was not fed in the computer system. Hence consumer was billed as per 32 HP.

Forum asked MSEDCL to verify it from the records, MSEDCL, gave compliance regarding the matter on 18th Sept.2008 vide letter No. SE/BWD/NO/Tech/CGRF/1800, stating that the consumer's connected and sanctioned load is 26 HP as per record available at office instead of 33 HP shown in M/s. M/s. Torrent Power Ltd. bill.

However, it is clear that the connected load of the consumer is 26 HP and hence the bills of the consumer should be revised and credit should be given to him by MSEDCL as well as M/s. Torrent Power Ltd.

This should be effected with effect from consumer's first complaint letter to utility subject to period of limitations envisaged in the Law.

ORDER

Consumer's case should be sorted out by utility as per instructions mentioned above in the observations.

Compliance of this order communicated to the Forum within one month from receipt of this order.

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

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