

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

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

Date :

Case No. 282

Hearing Dt. 13/08/2009

In the matter of average billing

Shri Kantilal P. Thakkar - 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 R.M Chavan, Member Secretary, CGRF, Bhandup.

B - On behalf of Consumer

- 1) Shri Kantilal P. Thakkar Consumer.

C - On behalf of Utility

- 1) Shri. S.V.Kale, Ex. Engineer, Bhiwandi Circle.
- 2) Shri. C.B. Patil, Asstt. Accountant, Bhiwandi.

Preamble

This an appeal filed by consumer Shri Kantilal P.Thakkar for non-cognizance by Utility and ICGRU of Utility MSEDCL, Bhiwandi. And accordingly Forum has registered his grievance vide case no. 282. The hearing was fixed on 13/08/2009. As he could not get response from ICGRU within 60 days for his registration to ICGRU the appeal was admit.

Consumer say :

Shri Kantilal P.Thakkar was present during the hearing (here in after referred as to Appellant). According to him, he is having single-phase connection at H. No. 142, survey no.75 Narpoli, Mehta compound Kalyan Road, Bhiwandi. Having consumer no.13012251429 with load of 0.3 KW. this connection was for lighting purpose in power loom shed. He has applied to the Utility for temporary disconnection vide his letter dt. 01/10/97 and subsequently on 06/11/97 for Permanent disconnection. However he continued to get average billing on this connection for 1997 to 31/01/2007 hence request for windrow of this average billing as the Utility have already removed the mater. He claimed compensation for harassment at the hared of Utility.

Utility Say :-

Shri. S.V. Kale the Executive Engineer, Nodal officer for MSEDCL Bhiwandi. Circle office represented the side of Utility (here in after referred to as Opponent) and also submitted his say dt. 12/08/2009 as under :-

On going through consumer personal ledger, which is available from 1999. Shows that from July 99 to Jan 2007 this consumer was billed on average basis of lock/ faulty and rejects no mater status. Even the industrial connection in the same premises was P.D. and hence the consumer can be treated P.D. and average billing can be withdrawn with effect for July 99.

Observations :

The matter was heard on 13/08/2009 on described above both the parties were heard. However a document was produced by the Utility (MSEDCL Bhiwandi) dt. 13/11/1997 written by Dy. Ex. Engineer to the police inspector, Bhiwandi police station Bhiwandi seeking for police protection against this consumer who is obstructing there in disconnection his supply. This letter revealed that the supply of this consumer was already disconnected by the Utility on 14/10/97 for huge arrears but consumer mischievously without the knowledge of Utility officials got reconnected when Utility officials went to disconnect it again the consumer created a nuisance and hence the Utility wrote to the police for their immediate help. Thus consumer's contention up to withdraw bills from June 99 can not be relied upon and as agreed by Utility the average billing from July99 to Jan 2007 can be withdrawn perhaps this may be the rational solution.

As regards consumer's claim for compensation for his harassment by Utility it does not stand. On sound footing on the ground of his story of 1997 to 1999 and the requirement of police interruption, which had to be taken by the Utility staff hence the claim, is rejected.

The forum was not functional as the post of Chairman was vacant and member was on long live hence the prescribed time limit could not be observed.

ORDER

1) As agree by the Utility Appellant's average billing for July 99 to Jan 2007 should be withdrawn and he treated as P.D. consumer.

No orders as to cost.

Both the parties are to be informed accordingly. Compliance of this order be reported within 30 days from the date of receipt 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 18th September.

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.

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP**