



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/117/0134 OF 07-08
OF M/S JANICE TEXTILE LIMITED REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

M/s Janice Textile Limited.

Plot No. A – 4/2,

MIDC,

Murbad – 421401.

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited through its Deputy

Executive Engineer, Sub Dn.III,

Ulhasnagar Dn.1

(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).
- 2). The consumer is a HT consumer with 430 KW connected load and consumer registered the grievances with the forum on dated 17.03.08.
Name of the consumer: - M/s Janice Textile Limited
Address: - As above
Consumer No.: 018019018985.
Reason of dispute:- Excessive Energy billing
- 3). *As per letter No.SE/KC-II/KLN/Tech/CGRF/1050 dt. 19.03.08, the Nodal Officer, Executive Engineer (Adm) Kalyan Circle-II informed to forum that the licensee approached the High Court Mumbai against M/s.Janice Textiles Limited bearing suit No.41/2005.*

- 4). Therefore, according to the letter received from licensee, forum informed to the consumer that as this case No.41/2005 was already in High Court, the case can not be registered.
- 5). Aggrieved by the response received from forum, the consumer approached to the Electricity OMBUDSMAN on 09.04.2008. As per the order in case of representation No.24/2008 dt. 29.04.08, from the Electricity OMBUDSMAN remanded back to the forum for consideration of the issue afresh in terms of the Regulation. Therefore the case was registered with forum on 06.05.2008 bearing No.K/E/117/0134. The hearing was schedule on 22.05.2008. However, in view of local holiday declared due to Loksabha Election, the hearing was postponed to 27.05.2008. The licensee submitted the papers for the Court Case Civil suit No.41/2005 vide letter No.SE/KC-II/HTB/1822 dt. 28.05.08, before the Court of Civil Judge(Senior Division Kalyan) at Kalyan and the same was received in the forum on 29.05.08 (inward No.119)
- 6). The Member Secretary & Member of the Forum heard both the parties on 27/05/2008 @ 15 Hrs. In the meeting hall of the Forum's office Shri A. K. Gupta, representatives of consumer and Shri V. Y. Kamble, Assistant Engineer, Shri S. V. Rothe, Divisional Accountant, Shri P.M.Garg,Assistant Accountant, representatives of the licensee attended hearing.

- 7). The consumer representative Mr.Gupta stated that power supply has been disconnected temp. on 30.3.01 for the reason said to be due to arrears. But arrears was nil at that time. He further stated that evenafter writing No.of letters (i.e. our last letter was dated 24.6.02), for reconnection, we have not received any reply from the licensee. He stated that they replied on 24.1.04 through Advocate by a legal notice. We replied to the legal notice immediately on **30.01.04**, when the licensee permanently disconnected our supply. Licensee sent a permanantly disconnected (PD) notice on **17.12.04** we replied immediately. He further stated that the licensee committed breach of agreement while disconnecting the supply.
- 8). The consumer Representative stated that due to wrong recording of Maximum Demand (MD) readings for more than 7 occasions, demanded panel charges towards Service Line Charges (SLC) and Security Deposit (SD) and on that account disconnected the supply, which is illegal. He further stated that they have paid average minimum bills from Temporarily Disconnected (TD) to Permanently Disconnected (PD) more than Rs.75,000/- every month, paid OTS package Rs.60,000/- There are about Rs.5,05,050/- SD with MSEB. Thus total the licensee has to refund us an amount of Rs.13,61,600/- He

informed that when the disconnection itself is illegal. It was the licensee's responsibility to reconnect the supply when it is wrongly disconnected.

- 9). Consumer's Representative stated that they have not availed the offer of reconnection by paying reconnection charges of Rs.300/- as they felt that the disconnection was illegal and licensee has to reconnect the supply.
- 10). Licensee informed disconnection was effected for want of payment of penal charges due to exceeding Contract Demand (CD). At the time of disconnection on 30.3.01 there was an arrears about **Rs.75,000/-** but disconnection was not effected on this account because it was current bill. Disconnection was

effected for non payment of penal charges due to exceeding Contract Demand (CD) towards addl. SLC and SD vide notice letter No.SE/KC-II/1201dt. 09.03.01.

- 11). Licensee further informed that consumer has been No. of time informed to pay the reconnection charge and get the supply reconnected. But he did not respond. The consumer also informed about the court case in his factory address.
- 12). Licensee informed that on knowing the mistake of recovery of

excess Maximum Demand charges, it was rectified and credit given in the bills for the amount of Rs.1,56,520/- and Rs.30,800/- in the bills of May 01, June 01 and July 01.

- 13). Licensee denied the statement of consumer that the licensee has to refund an amount of Rs.13,61,600/- to consumer. Licensee stated that they filed a suit against the consumer for non payment of Rs.20,11,180/- as per Suit No.41/2005. However, Head Office (HO) offered a package. If the consumer accept it and got new connection, the said Security Deposit could have been adjusted.
- 14). Based on the documents on record and statements given by both the parties, observations are as follows:

OBSERVATIONS

- 1). Forum pointed out to the licensee that they mislead the forum stating that “the case is in the High Court Mumbai” when it was in the Civil Court Kalyan.
- 2). Forum asked the Consumer Representative that he had earlier stated that regarding the court case he came to know from the CRRF when he approached for registering grievance on 17.3.08. On his repeated complaints of not knowing about the court case, the forum asked the licensee to handover a copy of plaint to him (Representative) and obtain the signature, during the hearing on 27.5.08. The consumer Representative

stated that he want to have this by a letter officially from licensee.

- 3). Forum then instructed the licensee to forward the court case papers to the consumer officially by a covering letter immediately under intimation to the Forum. Accordingly Licensee forwarded the papers to the consumer vide letter No.1822 dt.28.05.08 under intimation to forum for confirmation.
- 4). Consumer Representative further stated that he want refund of Rs.13,61,616/- as per his statement sent vide his letter dated 26.05.08 and licensee should reconnect the supply immediately without any condition.
- 5). The power supply to the consumer premises was made T.D. on 30.03.01 as there was no settlement reached between both the parties, the supply was made P.D. in July 2004 and final bill for amount of Rs.19,83,820/- was sent to the consumer vide letter dated **17.12.04**
- 6). The consumer after the year 2004, kept silent for four years without any action and approached CGRF in the year 2008 because they were following up the case with licensee, but no reply is received from them. However, he could not give any proof for the follow up with the licensee.

- 7). The consumer approached to the licensee to resolve his grievance on **30.12.04**. The next communication from consumer to licensee was on 19.09.2007, after a lapse of more than 2 years and 9 months.
- 8) The matter is pending in the Court of Civil Judge (Senior Division Kalyan) at Kalyan (Civil suit No.41/2005).
- 9). As per Maharashtra Electricity Regulatory Commission Mumbai, Regulation No.6.7, the same is read as follows:
“6.7 :- The Forum shall not entertain a Grievance.
(d): Where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any Court, Tribunal or Arbitrator or any other Authority, or a Decree or Award or a Final Order has already been passed by any such Court, Tribunal, Arbitrator or Authority.”
- 10). In the above background and observations, the application stands disposed off.
- 11) Consumer can file appeal against this decision with the Ombudsman at the following address.

“Maharashtra Electricity Regulatory Commission, 606/608,

Keshav Building, Bandra Kurla Complex, Mumbai 51”

Appeal can be filed within 60 days from the date of this order.

Date: - 19/06/2008

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan