



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/0141/0162 OF
08-09 OF M/S. MOHATTA & HECKEL COMPANY
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE
BILLING.

M/s. Mohatta & Heckel Company	(Here in after
Mustafa Building, Sir P. M. Road,	referred to
Mumbai	as consumer)

Versus

Maharashtra State Electricity Distribution	(Here in after
Company Limited through its	referred to
Superintending Engineer, Pen Circle	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 H.T. consumer of the licensee connected to their 22 KV network. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on dated 03/11/2008 for P. D. connection arrears dispute.

The details are as follows: -

Name of the consumer: :- M/s. Mohatta And Hackel Co.

Address: - As above

Consumer No: - 030949002809

Reason of dispute: P. D. connection arrears

- 3) The batch of papers containing above grievance was sent by

Forum vide letter No EE/CGRF/Kalyan/317 dated 03/11/2008 to Nodal Officer of licensee. They replied vide letter No. SE/PC/HTB/CGRF/6731, dated 17/11/2008.

- 4) The Member Secretary & Member of the Forum heard both

the parties on 20/11/2008 @ 15 Hrs. in the meeting hall of the Forum's office. Shri Minto Hanspal & Shri Tarachand Duseja, Consumer's representative & Shri D. R.Bansode,

Nodal Officer, & Shri P. M. Peshattiwari, Junior Manager, representatives of the licensee attended hearing.

- 5) Consumer repeated his grievance. He further stated that he was P. D. in 2004. So upto 2004 whatever bill is there, the consumer is ready to pay but the arrears bill issued by the licensee is disputed by him.
- 6) Consumer has requested to licensee to do the correspondence with him on their new address for proper & timely communication.
- 7) Licensee stated that the consumer has not paid the bill from April 2003. The consumer approached to licensee for adjustment of supply bill against arrears & not to disconnect the power supply upto 22/05/03. The consumer also deposited the cheques for Rs. 665760/- dt.13.05.03 & Rs. 7.00 lakhs dt.14.05.03 & gave an undertaking that if the dues are not cleared by 30.05.03, the power supply may be disconnected.

- 8) Licensee further stated that the cheques were dishonored as the consumer had stopped the payment. Consumer was made Temporarily Disconnected (T. D) on 30.05.03 and made Permanently Disconnected (P. D) on 03.05.04.

- 9) In reply to the forum question about the action taken on consumer, Licensee replied that consumer was P. D. in 2004. His case was pending in Board for Industrial & Financial Reconstruction (BIFR) and the decision of BIFR was awaited, so licensee could not take any action. Decision from BIFR was received on 03/05/2007.

- 10) Licensee further stated that they did not get the copy of BIFR decision & the case was kept pending. After getting the copy from the consumer on 25.07.08, they replied to the consumer vide Letter No. SE/PC/HTB/05184, dt. 26.08.08 about the total outstanding amount due to consumer. The licensee also communicated vide Letter No. SE/PC/HTB/280/5272, dt. 29.08.08 to the consumer in connection which is application for one time settlement of outstanding dues. The application has forwarded to Chief Engineer (Commercial) for guidelines in the matters & action will be taken as per the approval from Head Office for one time settlement.

- 11) In reply to the forum question about the action taken on consumer, Licensee replied that consumer was P. D. in 2004. His case was pending in BIFR and the decision of BIFR was awaited, so licensee could not take any action. Decision from BIFR was received on 03/05/2007.
- 12) In para wise comments replied by licensee vide Letter No. SE/PC/HTB/CGRF/06731, dated 17/11/2008, it is mentioned that "The consumer have approached this office vide their application dt. 25/07/2008 (Annexure-I) for one time settlement of dues by availing Special Amensty Scheme for non violable industrial unit, declared by the Govt. of Mharashtra vide Govt. of Maharashtra Industrial Policy, 2006 which was circulated on 30/03/2007 under reference No. SIC/2007/(1/07)/IND-10 by the Industry, Energy and Labour Deptt. In regards, to the Govt. of Maharashtra Industrial Policy, 2006, our Head Office has informed the concerned Deptt. Of Govt. of Maharashtra, the stand taken by the MSEDCL vide our Head Office Lr.No.PR-3/General/21740, dt. 10/05/2007 as under (Annexure –J) :
- (1) MSEDCL is unable to sacrifice any office dues as MSEDCL's financial position is critical.
 - (2) If Govt. of Maharashtra grant any relief to the sick industry, the actual amount of relief to be deposited by the

Govt. of Maharashtra in advance with MSEDCL". (Signed by Nodal Officer).

13) **Forum Findings :**

(i) The forum noted that as mentioned by the consumer in his grievance application, the enclosures are not attached, the same should be attached because in absence of the same the grievance of the consumer cannot be cleared to the forum.

(ii) Forum observed copy of arrears letter dt. 26/08/08 issued by the licensee is not enclosed by the consumer to his grievance application since it was not received by him.

(iii) The Licensee has not taken any action for the recovery of their dues from the consumer eventhough they were fully knowing that he has stopped the payment for the cheques submitted by the consumer in licensee's Head Office.

(iv) The licensee made the T.D. on 30/05/03 & waited for one year for making the P. D. on dt. 03/05/2004.

(v) It is observed by forum that the licensee has charged for arrears upto the period of Aug. 2008 vide their Lr.dt. 26/08/08. Even though the consumer was made P. D. on 03/05/04.

(vi) The proposal on the application by consumer awaiting the special Amnesty Scheme of one time settlement is pending with the licensee's Competent Authority at Head Office since 26/08/2008 for necessary guidelines in the

matter. The consumer can once again approach to the forum if the decision in the above case is not acceptable to him with a new grievance application.

(vii) Forum has found that the above case is pending with licensee's Head Office from 26/08/2008 (till the date of decision of forum i. e. four months). Therefore forum instructed to the licensee that within a period of maximum 60 days, the licensee should convey their decision to the consumer as well as forum.

- 14) Forum unanimously decided that as this case is pending with licensee's Competent Authority at Head Office, the case is disposed off with following order :

O-R-D-E-R

- 1) The decision under Amnesty Scheme which is pending at Head Office should be informed to the consumer as well as forum within 60 days from the date of decision.
- 2) 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 :- 20/12/2008

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan