



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/DOS/57/1521 of 2017-18

Date of registration : 02/02/2018

Date of order : 07/03/2018

Total days : 33

IN THE MATTER OF GRIEVANCE NO. K/DOS/57/1521 OF 2017-18 OF SHRI. MURALI MOTUMAL MAKHIJA, BK NO.144, RM. NO.2, MUNN COMPLEX, ULHASNAGAR, DIST.THANE, PIN CODE-421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING DISCONNECTION OF SUPPLY.

Shri. Murali Motumal Makhija,
BK No.144, Rm. No.2,
Munn Complex, Ulhasnagar,
Dist.Thane, Pin Code-421 001.

(Consumer no. 021514834391)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Kalyan Circle-II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri. J.L.Borkar, AEE, Ulhasnagar-I S/dn.

For Consumer- Shri. J.S.Rajput (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further

the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is Shri. Murali Motumal Makhija having Consumer No. 021514834391 H.T. small scale industry. The grievance is that supply was disconnected by distribution of Licensee on 17/01/2018 without notice. No relief was given inspite of complaint made to Mr. Borkar of Sub Division number - 1.

3) Distribution of Licensee in reply contends that Consumer Shri. Murali Motumal Makhija BK No.144, Rm. No.2, Ulhasnagar-1 is having industrial connection (LT-VBII) with sanctioned load of 40 HP. In the same gala there is another industrial connection in the name of the Consumer Murali himself bearing Consumer No. 021513136282 having load of 27 HP.

4) Distribution Licensee further informs that Maharashtra Pollution Control Board regional office issued notice to Consumer no.021513136282 vide letter no. MPCB/SROK-11/ROK/CD/876 dated 19/12/2017 copy of which was received to the office of Executive Engineer, Ulhasnagar Division-1 on 22/12/2017, directing to disconnect the power supply. Copy of the same notice is received at subdivision office on 15/01/2018, meanwhile as per directives of Executive Engineer, Section Office communicated to consumer for disconnection of above connection as premises was found locked.

5) On 17/01/2018 Executive Engineer directed disconnection of the power supply of such premises immediately where in section Engineer tried to communicate the consumer as gala was locked but failed. Hence on 17/01/2018 section Engineer disconnected both the service wire of connection number 021513136282 & 021514834391 is disconnected from pole and reported to Executive Engineer.

6) Consumer approached to section & subdivision office for reconnection of power supply of connection number 021514834391. But being both the connection in the same gala and as already reported to Executive Engineer. Power Supply was not reconnected to avoid dishonors of honorable Supreme Court.

7) On 23/01/2018 Consumer Approached to division office and submitted letter stating that thread dyeing work is stopped. Also on 02/02/2018 orally said that wall has been constructed so that gala is partitioned in two parts. Therefore on 02/02/2018 Assistant Engineer (QC) spot inspected the gala as section Engineer is on leave and found that gala is independent.

8) An urgent hearing was called on 05/02/2018 at CGRF accordingly power supply of Consumer no. 02151483391 is reconnected on 05/02/2018 with reading on meter as 6760 KWH.

9) Considering letter of commissioner Ulhasnagar Municipal Corporation dt.12/02/2018 letter from Executive Engineer, Ulhasnagar Division-(EE/Ulhas-1/Tech/129 dt.17/01/2018) & avoid dishonor of Supreme Court and as per the circumstances power supply of Consumer number 021514834391 was temporarily disconnected.

Therefore Consumer was well aware of developments during above period hence grievance of Consumer is not true.

We have heard both sides. Initially there was some discussion on the issues between both parties without taking the hearing and reconnection was made by Distribution Licensee of supply connection number 02151483391. However when the matter was heard for final order on merit, it was revealed that what is contemplated by the action of Pollution Control Board as per direction of the Supreme Court is to disconnect supply to units like that of Consumer until effluent treatment plant is made functional. Accordingly for the unit of Consumer existing is the premises viz BK No.144, Rm. No.2 electricity supply was to be disconnected. Hence notice was given for disconnection. But it was given in respect of Consumer number

021513136282 probably because there was information available with Pollution Control Board only about one connection. However there were two connections in the same premises for same purpose i.e. Industry which is abnormal. No two connections are given in same premises for same purpose. Somehow this consumer had two connections. Distribution Licensee officer therefore thought it proper to disconnect the present second connection Number 02151483391 also, so as to see that there is no contempt of the Supreme Court order.

We have thought over the matter. Basically it is the against the rules to have two connection for the same premises for the same purpose. If disconnection is to be done to comply Supreme Court's direction in letter and spirit both the connections have to be disconnected, else it will amount to giving premium to Consumer for having two connections against rules. The issue did not remain merely between Consumer and Distribution Licensee but the directions of Supreme Court have to be complied. Thus the action on the part of the Distribution Licensee officer in disconnection both the supply connection cannot be faulted.

Hence the order.

ORDER

- 1) The Grievance is dismissed .
- 2) Reconnection done of Consumer number during pendency of the grievance can not sustain and hence rejected.

Date: 07/03/2018

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*
- “Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*
- “Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

