



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/E/1275/1505 of 2017-18

Date of registration : 03/01/2018

Date of order : 21/02/2018

Total days : 50

IN THE MATTER OF GRIEVANCE NO. K/E/1275/1505 OF 2017-18 OF MRS. POOJA ADVANI & MR.VINESH ADVANI, GALA NO.B-108, PRASAD IND. ESTATE, SATIVALI, TAL -VASAI (E), DIST. PALGHAR, PIN CODE-401 208 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Mrs. Pooja Advani & Mr.Vinesh Advani,
Gala No.B-108, Prasad Ind. Estate,
Sativali, Tal -Vasai (E), Dist. Palghar,
Pin Code-401 208

(Consumer no. 002170150069)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer/Addl Ex.Engr.,
Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.I.M.Bharti, AEE, Vasai (E), S/dn.

2) Shri.V.M.Gokhale, AA, Vasai (E), S/dn.

For Consumer- Shri. Harshad Sheth (C.R.)

[Coram- Shri A.M.Garde- Chairperson, Shri A.P. Deshmukh-Member
Secretary]

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 Regulations 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 Mrs. Pooja Advani & Mr.Vinesh Advani having Consumer no. 002170150069. Grievance is that wrong arrears have been added in bill of Oct-2017 for Rs.7,51,485/-. Matter does not fall under Section 126 of I.E. Act 2003. None of the mandatory procedures have been followed by Vasai (E) S/dn. Vide MERC (CGRF & EO) Regulation 2006 prime facie the present matter is out of the purview of Section 126 of IE Act 2003 as such CGRF can decide the matter.

3) Distribution Licensee MSEDCL in reply contends that the present grievance falls within the purview of Regulation 6.8 of MERC (CGRF & Ombudsman) Regulation 2006. Which says that if the CGRF is prima facie of the view that any grievance referred to it falls within the purview of inter alia clause (a) viz unauthorized use of electricity as provided under Section 126 of the act. The CGRF shall not entertain that grievance. Hence issue of jurisdiction be decided first.

4) On facts Distribution Licensee states that vide Consumer no. 002170150069 electric supply was sanctioned on 15/03/2011 for premise viz gala no.108. The premise was inspected on 03/01/2016 in which it was observed that the supply was unauthorizedly extended to another gala bearing no.107 from gala no.108 without permission of MSEDCL. Spot inspection was done in presence of Consumer Representative of Mr.Pravin Shukla. The said activity amounted to unauthorized use of supply within the meaning of Section 126, as such provisional assessment was given on 18/11/2016 of Rs.751490.00. Objection was submitted by Consumer on 25/11/2016 and accordingly hearing was kept on 21/12/2016. The Consumer

even after the final assessment bill failed to pay assessment bill as such said amount was debited in energy bill of Oct-2017. On the query raised by Consumer by letter dt.23/10/2017 the Consumer was informed on 30/11/2017 about final assessment order and copy was reserved on him.

5) It is the contention of Distribution Licensee therefore that the grievance squarely falls within purview of Section 126 of I.E.Act for which remedy is provided in Section 127 of appeal to competent authority. The forum has no jurisdiction the entertain the grievance.

6) We have heard both sides and have gone through judgments cited. At the outset it is not in dispute that, the supply initially sanctioned was for gala no.108 It is also not in dispute that on inspection it was detected that supply was extended from that premises to gala no.107. It is further not in dispute that there was no sanction for extension of supply to gala no.107. Still Mr. Sheth the Consumer Representative wants to say that the grievance does not prima facie fall within the purview of Section 126 of I.E. Act which is very difficult to digest. Mr.Sheth tried to make point that the necessary procedure has not been followed under section 126 I.E. Act. The germane question is, who has to look in to this question raised? How can CGRF have greater jurisdiction than the competent authority designated under the provision of I.E. Act? CGRF is not a Civil Court having over all jurisdiction on all the matters.

7) Mr.Sheth, C.R. further submitted that the period of limitation for approaching the competent authority under Sec 127 is over hence they are left with no remedy. We are at a loss how then CGRF can assume jurisdiction. He also submitted that the assessment bill is dated 22/12/2016 and it was served on Consumer on 08/12/2017. He submitted that bill was served on him after the limitation period was over and as such Consumer is left with no remedy. This is totally a wrong approach. When the Consumer was intimated about the order on 08/12/2017, the limitation would start running from 08/12/2017 itself whatever may be the date of assessment order or bill. The Present grievance was filed in the IGRC on 23/10/2017 even before the assessment order was communicated to him. He could very well have filed appeal under section 127 within prescribed limitation after the order was communicated to him. When the order was passed and whether it was

communicated to the Consumer immediately or on which date etc are factual aspects to be looked into by the competent authority examining the order in appeal. This forum has no jurisdiction entertain this grievance. The Consumer has been agitating before a wrong forum.

Grievance fail.

Hence the order.

ORDER

Grievance is dismissed.

Date: 21/02/2018

(A.P.Deshmukh)
Member Secretary
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.*

