



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) - 421301
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Date of Grievance: 07/02/2013
Date of Order : 18/05/2013
Period taken : 100 days

ORDER IN GRIEVANCE NO. K/E/689/815 OF 2012-2013 IN RESPECT OF SOLID CONTAINERS LTD. OF VILLAGE VADAVALI, DIST-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NOT ISSUING NO OBJECTION CERTIFICATE ABOUT DUES

M/s. Solid Containers Ltd.

Mohone Road, P.O. Mohone,

Village Vadavali, Dist-Thane

Consumer No. 020609011123

Here-in-after
Referred
As Consumer

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Superintending Engineer, Kalyan Circle-II

Kalyan

(Here-in-after
referred
As Licensee

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. Consumer Grievance Redressal Forum has been established under "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 was a H.T. Industrial consumer of the licensee. The Consumer was billed as per the H.T. Industrial Tariff. Consumers registered grievance with the Forum on 7/2/2013 for not issuing NOC in spite of total dues paid off.
3. The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0098 dated 08/02/2013 to Nodal Officer of licensee. The licensee filed reply on 2/3/2013.
4. Consumer had approached this Forum contending that from 15/5/2000 its supply is permanently disconnected and final bill was prepared which was paid off. Said due amount of Rs.211,396/- was received in the office of Licensee on 1.3.2001. It is contended that thereafter the Consumer approached Licensee seeking No Objection Certificate as it was to dispose off the property by addressing letters to the Superintending Engineer, Kalyan on 13/3/2001. However it was not issued. Thereafter the Consumer received a letter dated 10/5/2010 from the Superintending Engineer of Kalyan Circle of Licensee whereby payment of Rs.1,65,000/- was sought with interest if not deposited within 15 days. It was replied by the Consumer on 20/5/2010 communicating that as per the final bill prepared by the Officers of Licensee payment is done to the tune of Rs.211,396.08 on 1/3/2001 and hence nothing is due, again NOC was sought.
5. Thereafter Consumer addressed a letter to the Superintending Engineer of the Licensee on 20/9/2012 seeking NOC ; as it was not issued, the Consumer approached this Forum on 7/2/2013.
6. We took up this matter for hearing for which on behalf of Consumer, Mr George Kutty attended and on behalf of Licensee, Shri Giradkar, Nodal Officer with Shri Sawant Rao, Dy. Manager (A&F) attended.

7. The Officers of Licensee demonstrated that balance of Rs.1,65,000/- is arrived at on the basis of the calculation; wherein though Consumer has deposited security amount of Rs.24,90,365/- by mistake the said security deposit is treated Rs.26,55,345/- and on its basis calculation was done and balance accordingly is to the tune of Rs.1,65,000/- and it is a difference due to mistake crept in while considering the security deposit. Accordingly it is contended, the security deposit is treated as more but in fact it is less and hence this payment was insisted.
8. When this fact was confronted to the officers of the consumer they conceded to the factual position and towards the payment they have issued a cheque of Rs.1,65,000/- which is accounted by the Licensee on 24/4/2013. As this occurred due to mistake during calculation by the Licensee hence there is no question of payment of any interest on said sum. Accordingly now this dispute has come to an end and in result Licensee is required to issue NOC/ No Dues Certificate stating that from the said Consumer there are no dues subsisting and hence there is no any charge over the property of Consumer, as prayed by the Consumer.
9. This matter could not be disposed off in prescribed time as Licensee was to place on record how dues of Rs.1,65,000/- worked out in spite of Consumer has already deposited due amount as per the final settlement.

Hence the order

O-R-D-E-R

- a) The grievance of Consumer is hereby upheld.
- b) Consumer deposited an amount of Rs.1,65,000/- which was found due, as mistake crept in during calculation by Licensee while settling the dues finally. Mistake is conceded and amount is deposited by Consumer on 24/4/2013 to the tune of Rs.1,65,000/- issuing cheque and hence the Consumer is entitled to NOC / NDC (No Dues Certificate) from

Licensee towards no dues are with the Consumer and there is no any charge of Licensee on the property of Consumer towards the supply of Electricity.

- c) The Licensee is to issue NOC / NDC forthwith without any delay within 15 days from the date of receipt of this Order.
- d) The Licensee to prepare compliance report within 30 days from the date of this Order.
- g) The Consumer can file representation against this decision with the Hon. Electricity 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”

- h) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or 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”

Date : 18/5/2013

I Agree

I Agree

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan