



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/N/140/1248 of 2015-16**

Date of Grievance : 19/03/2016

Date of order : 24/08/2016

Total days : 158

**IN THE MATTER CASE OF GRIEVANCE NO. K/N/140/1248/2015-16 IN RESPECT OF TINCO INDUSTRIES, PLOT NO.F-26, MIDC, IND, AREA, BADLAPUR, TAL. ULHASNGAR, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING RELEASE OF ADDITIONAL LOAD OF 42 HP.**

Tinco industries,  
Plot No F-26, MIDC,  
Indl. Area, Badlapur,  
Tal. Ulhasnagar,  
Dist. Thane.

(Consumer No. 021540098732) ..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its Nodal Officer,

MSEDCL, Kalyan Circle-II, Kalyan ..... (Hereinafter referred as Licensee)

Appearance : - For Licensee :Shri Ishware-Badlapur ( E ) S/Dn.  
For Consumer-Shri Vijay D. Daga- C.R.

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 Redressal 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. 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 (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] The facts in brief are:-

The consumer is running an industry under the name and style of M/s. Tinco Industries. Consumer is having an existing load of 65 HP. Consumer had applied for additional load of 42 HP on 5<sup>th</sup> September, 2009 for its expansion programme. On demand he remitted a sum of Rs.39,700/- on 18/12/2006 as necessary charges for additional load applied for. Verifying all the relevant documents, the Licensee passed an order bearing No. EE/ KLN ( R ) /TECH/RLS- LT-5236 dtd 5<sup>th</sup> 2009, sanctioning the supply of additional load of 42 HP. Consumer further states that when it approached concerned Officers of the Licensee, they assured it that additional load of 42 HP applied for, will be released on 5<sup>th</sup> of September 2009.

3] Consumer further states that relied on the sanctioned order dated 05.9.2009 of Licensee, consumer borrowed a huge amount from its bankers for the expansion of its industry.

4] Consumer alleged that after a repeated follow up with the Licensee, Licensee did not take cognizance of its complaint regarding the load extension applied for.

5] The consumer, therefore, approached IGRC on 1/12/2015, stating that “ In spite of release of additional load of 42 HP the same is not reflected in the energy bill,” and prayed for the same. The consumer submitted that IGRC has not given an opportunity of hearing to the consumer and had passed an order on 16/1/16, stating that “ the complainant had not availed the additional load of 42 HP,” and also further states that “ as per current metering condition as on today clears that metering condition not feasible to avail additional load of 42 HP.”

6] However, consumer pleaded that it has already submitted the test report to the Licensee which obviously shows that he has duly availed the additional load of 42 HP.

7] To the directions given by IGRC to reapply a fresh for the additional load of 42 HP, consumer claims that Licensee has already released the order for additional load and hence Licensee has to honour its commitment.

8] So-far-as the question of installation of metering is concerned, consumer stated it is ready to bear the suitable cost of metering which may be debited to its regular energy bills or claimed separately. Consumer claimed that it has suffered a lot, mentally and financially as a result of violation of commitment by Licensee in delaying the connection of additional load for which the consumer sought compensation.

9] The consumer being aggrieved by the order of IGRC ( SE / KC-II /IGRC / 2462 dtd 24/6/15 ), approached to this Forum by submitting his grievance in Schedule ‘A’ dated 21/3/16 which was registered by

allotting No.K/N/140/1248 dtd 19/3/16. The hearing letter bearing No.155 dated 21/3/16 was served to the Nodal Officer of KC-II with its copy to the consumer.

10] Licensee appeared and submitted that it has taken all the necessary steps to release the additional load of 42 HP to the consumer and the effect will be reflected in the next ensuing bill. Licensee assured its commitment in writing.

11] However, on 1/6/16, consumer has given a letter to the Forum informing that nothing had been done and Licensee has not taken any steps to release the additional load of 42 HP and bill of 107 HP ( 65 HP + 42 HP ) is not rectified till date.

12] We have gone through the arguments advanced by both sides and the record kept before us. We have observed that:

- i] Consumer has duly applied for additional load of 42 HP.
- ii] Consumer had paid the necessary amount on 18/12/2006.
- iii] Consumer had submitted electrical contractor's completion and test report dated 4/9/09 which contradicts the claim of Licensee that "consumer has not availed the additional load of 42 HP."
- iv] After verification Licensee has passed the order to release the additional load to the consumer.
- v] No evidence has been adduced by the Licensee on record to establish that ----" because of some technical problem, Licensee was not able to give the effect of additional load to the consumer immediately."
- vi] Though Licensee has assured to give effect of 107 HP load ( 65 HP + 42 HP) in ensuing bill, it has not taken necessary

Steps.

- vii] Consumer has applied for additional load of 42 HP, however, till date it has not being executed by Licensee without any proper justification. This period of approximately 07 (seven) years is too long for which consume should be compensated.
- viii] Consumer had already suffered a lot because of not releasing the additional load applied for and directing him to again go through the same procedure will not be proper. Hence order of IGRC to direct the consumer to re-apply for additional load is absolutely wrong. For all these reasons, consumer is entitled for compensation under Clause **8.2 ( e )** of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 ” Forum can pass order mentioned below:  
.... ( e ) any other order, deemed appropriate in the facts and circumstances of the case.”

Hence the order.

### **ORDER**

The grievance application of the consumer is hereby allowed.

Licensee is directed to release the additional load of 42 HP and rectify the bills of 107 HP within 48 hours after the receipt of this order.

Compensation for mental harassment – Rs.3000/- as explained in Para 12 of (viii).

Compliance of this order be done within 45 days on receiving the Order and it's report be submitted to the Forum within 60 days from the date of receipt of this Order.

This matter could not be decided within time as the consumer has given the last application on 28/7/16 that Licensee is not honoured its commitment. Moreover, this Forum is functioning in absence of regular Chairperson and regular Member Secretary, the present Member Secretary in charge is discharging the additional work of Chairperson along with the regular work of Member Secretary from 28/6/2016, in addition to his regular portfolio as Executive Engineer Enquiry MSEDCL for Kalyan Region.

Date:24/8/2016.

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

(L.N.Bade)  
Chairperson-cum- Member Secretary  
CGRF,Kalyan.

**\*\* ( In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

#### **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.

