



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No.K/DOS/46/1110/2015-16

Date of Grievance : 06/08/2015

Date of Decision : 12/08/2015.

Total days : 07.

ORDER IN THE MATTER OF GRIEVANCE NO. K/DOS/46/1110 of 2015-16 IN RESPECT OF NRC LTD. OF MOHONE, KALYAN (E) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING THE NOTICE OF THE DISCONNECTION ISSUED ON 04.08.2015 UNDER SECTION 56 OF E.A.

M/s.NRC Ltd.,
Village Mohane, Tal.Kalyan,
District-Thane
Pin Code 421 102
(Consumer No.020169009628 HT}

(Hereinafter referred as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Executive Engineer, Kalyan –Circle-1, Kalyan (Hereinafter referred as Licensee}

Appearance : For Consumer–Shri Killedar -General Manager

For Licensee – Shri Dadpe- Dy. EE

Mrs.Annawar– Law Officer

Shri Sakpal-Account Officer

(Per Chandrshekhkar U. Patil, Executive Engineer- Cum-Member Secretary-Cum- Chairperson)

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 and Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

This grievance is brought before us by the consumer on 06/08/2015, alleging that licensee issued notice under section 56 of E.A. on 04.08.2015 though heavy amount is lying with the Licensee yet to be refunded as the Licensee has not complied with the orders of CGRF & Ombudsman etc.

In this matter copy of grievance application along with its enclosure was sent to the Nodal Officer, vide this Office Letter No.0238 dated 07/08/2015. However, Licensee could not remain present on the scheduled date 11/8/2015. Hence matter kept on 12/8/2015.

In response to it, Nodal Officer deputed by licensee attended. Licensee has not produced any written submission except the chart containing the details about point-wise claims given by consumer. Both side argued the matter on 12.08.2015. On the basis of argument advanced and details stated in the grievance application and matter is decided.

Consumer received notice of licensee dt 04.08.2015 where in amount of Rs. 1,19,33,445/- demanded. In the said amount bill for June-2015 is of Rs. 2,93,72,620/-.

Consumer in the grievance application contended that licensee is yet to refund the amount and it is to the extent of Rs. 2,80,79,737/- . It is contented that ignoring this, notice is issued which is not correct.

Details of those receivable amount shown by consumer and concerned proceeding are as under.

Sr.No.	<u>Particulars</u>	<u>Amount</u>
1.	As per Order of CGRF 1026 dt. 16.02.2015.	30,24,966/-
2.	As per order of CGRF1027 dt. 16.02.2015	3,28,874/-
3.	As per Order of Ombudsman (review 2/2015)	7,80,769/-
4.	As per Order of Ombudsman (review 4/2015)	10,00,000/-
5.	As per order of CGRF1027 dt. 21.02.2015	21,45,128/-
6.	As per order of CGRF 916 dt. 30.05.2015	1,60,00,000/-
7.	Excess amount worked on A/C of Sr.1	8,00,000/-
8.	Interest on dispute amount of Rs. 1.68 Crs.	40,00,000/-

Total : Rs. 2,80,79,737/-

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In the aforesaid statement due amount though shown, some of those are pertaining the orders passed by this forum in grievance applications 1026, 1027, pending grievance No. 1060 & review application No 2/2015 & 4/2015 decided by Hon'ble Ombudsman.

It is also disclosed that against grievance No 1026 mentioned at Sr. No. 01 in above particulars, licensee approached Hon'ble High Court for filling writ petition which is numbered as WP Stamp No. 11390 of 2015. In the said matter order is passed by Hon'ble High Court on 8.5.2015, where in Advocate for consumer assured to Hon'ble High Court not to take coercive steps towards order in grievance No 1026. This aspect argued by both sides suitable to them. We find this aspect is pertaining to interpretation of the order of Hon'ble High Court which parties to appropriately consider and if they find any difficulty then they are to seek guidance from Hon'ble High Court. Hence we find that for the amount shown by consumer towards grievance No. 1026 being dealt by Hon'ble High Court, it cannot be commented by this Forum. The approximate amount Rs.08 Lakhs mentioned at Sr. No. 07 in the above particulars is also pertaining to the same grievance No. 1026. Hence this item also cannot be commented by this Forum.

Secondly, consumer referred to due amount of Rs.21,45,128/- as per the grievance No. 1060 mentioned at Sr. No. 05 in the above particulars. The amount is regarding refund of AEC-1,2,3 & 4. The licensee contended that Hon'ble MERC has passed an order dated 26.06.2015 in favour of MSEDCL. The Forum allowed their contention & instructed to revise this particular amount accordingly.

Consumer has also referred to the claim allowed by Hon'ble Ombudsman in review petition No. 2/2015 & 4/2015. The Licensee replied that they are proceeding to challenge these orders. In this regard we are of the opinion that Forum cannot express any view for the compliance of the order of Hon'ble Ombudsman and consumer if required, may approach Hon'ble Ombudsman. Hence the item mentioned at Sr. No. 3 & 4 in above particulars cannot be dealt by this Forum.

Consumer has also referred to the claim pertaining to the grievance No. 1027 at Sr. No. 2 in above particulars. In this regard, licensee stated that they had already given the credit of amount Rs. 328874/- in the consumers account regarding effect of CD reduction. Also licensee stated further that this amount is not included in the notice amount.

Regarding Sr. No.6 mentioned in above particulars, consumer claimed reduction of amount of Rs. 1.60 Crs approximately, which is against the benefit of mixed tariff after applying proper R/C/I categorization as per CGRF order 916 dt. 30.05.2015. Licensee contended that they are proceeding to challenge the order. In this regard, the Licensee is directed to recalculate the amount payable to the consumer in accordance with the order under reference.

In view of the above we find the notice dated 04.08.2015 to the above extent is not correct and proper. Hence to that extent notice found not correct. Regarding Sr. No.8 mentioned in above particulars, licensee contended that their notice is not including any interest as shown by consumer in his chart.

In the light of the above observations, the notice issued by Licensee stands in fructuous. The Licensee should recalculate the amount for the items described in the above observations.

Hence the Order.

Order

The notice dated 4/8/2015 issued by the Licensee to the consumer is not valid due to the amount mentioned therein. Licensee is directed to consider the above observations for recalculating the amount to be included in their notice and issue a fresh notice, if it found fit.

Date : 12.8.2015

I agree

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

**(Chandrashekhar U.Patil)
Member Secretary-cum- Chairperson
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.