



Consumer Grievance Redressal Forum, Kalyan Zone  
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No. K/E/773/930 of 2013-14

Date of Grievance:20/02/2014  
Date of Order :07/05/2014  
Total days : 77

**IN THE MATTER OF THE CASE OF GRIEVANCE NO. K/E/773/930 OF 2013-14 IN RESPECT OF SHRI SHAIKH ARIF RAHIM UDDIN, AT NARTENDRA MISHRA CHAWL, ASHOKM NAGAR, WALDHUNI, KALYAN (EAST) DIST. THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF PAID PD ARREARS.**

Shri Shaikh Arif RahimUddin,  
At, Narendra Mishra Chawl,  
Ashok Nagar, Waldhuni,  
Kalyan (East).  
Dist. Thane

Consumer No.**020020004186**  
Versus

.... (Hereafter referred as Consumer)

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer, MSEDCL,  
Kalyan Circle-I,

.... (Hereinafter referred as Licensee)

**Appearance :** For Consumer – Mr.Shankar Ramrati Varma-C.R.  
For Licensee - Shri Lahamge-Nodal Officer/Dy.Exe.Engineer.  
Shri Bharambe –Asst.Engineer

**(Per Shri Sadashiv S.Deshmukh, Chairperson)**

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 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, 2005.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2005'.

2] Consumer submitted this grievance on 20/2/2014, seeking refund of Rs.13,625/- deposited on 31/3/2006 towards PD connection in the name of Pandharinath R. Chavan bearing consumer No.020020004186. This grievance application with accompaniments sent to the Nodal Officer, vide letter No. EE/CGRF/Kalyan /086 dated 21/2/2014. In response, the Officers of Licencee appeared, filed reply on 11/3/2014.

3] On the basis of grievance application filed, we heard both the sides and we noticed following factual aspects:

a] Mr. Pandharinath Chavan was having supply bearing consumer No. **020020004186**, it resulted in P D in the year 2002. Thereafter PD arrears in his name to the tune of Rs.13,625/- deposited on 31/3/2006.

b] Present consumer claimed that those arrears are paid by him and he himself sought connection at the place where PD connection of Chavan was there and new supply is made available to him by Licencee on 30/10/2006 i.e. after seven months of PD connection of Mr. Chavan. Present consumer complained to the Licencee on 25/3/2013 seeking refund of Rs.13,625/- deposited on 31/3/2006. Through his representative Mr. Shankar Ramrati Varma, even he approached to IGRC on 13/12/2013. IGRC rejected the application on 17/1/2014.

c] Accordingly, consumer approached this Forum on 20/2/2014.

4] In view of the aforesaid factual aspect. It is clear that present consumer is having consumer No. 020023180023 and date of his connection is 30/10/2006. However, it is a connection provided wherein there was a previous connection in the name of Pandharinath Chavan bearing consumer No. **020020004186**. It is also a fact that arrears of said Chavan due towards the said connection which resulted in PD in the year 2001 are cleared on 31/3/2006 by depositing Rs.13,625/-. The said amount is reflected in the record of Licencee and receipt is in the name of Pandharinath Chavan.

5] During the course of hearing, we were confronted with the situation that payment is towards PD connection and receipt is in the name of Pandharinath R. Chavan and said amount is now being claimed by present consumer, alleging that he has deposited the amount. To link up this aspect, main difficulty is faced, it is in respect of, gap of seven months for taking new connection, by the present consumer, in place of PD connection of Pandharinath Chavan after payment of Rs.13,625/- as receipt is in the name of Pandharinath Chavan. We tried to ask the consumer's representative where is Pandharinath Chavan and whether he is conceding to it or had he given authority to consumer or C.R. or it will be produced. Though time was taken, consumer's representative, was not able to produce any such document, but he expressed doubts about Pandharinath Chavan being alive. However, he tried to maintain that payment is, done by present consumer Mr. Shaikh Arif. But on behalf of Licencee, it is maintained that payment is not made by present consumer as recorded in the receipt issued on 31/3/2006, which is in the name of Pandharinath Chavan. It is claimed unless claim is lodged by Pandharinath Chavan or on his authority payment of Rs.13,625/- cannot be claimed by anybody raising the dispute. Accordingly, it is contended that this grievance of consumer, pertaining to dispute about amount deposited, in the name of Chavan, previous consumer, cannot be allowed to continue and it be rejected. Same reasoning is recorded by IGRC.

6] Aforesaid factual aspect are clear, when payment is in the name of Pandharinath Chavan on 31/3/2006 and present consumer sought and obtained new supply with new consumer Number on 30/10/2006, hence no reference can be drawn that it is the present consumer who paid amount towards PD dues of Mr.

Pandharinath Chavan. We find, there is no material worth believing for upholding the claim of present consumer and hence, this grievance is to be rejected.

7] This grievance could not be decided in time as CR took time to reply about the status of consumer Mr. Pandharinath Chavan and ultimately expressed inability to produce his authority on 28/4/2014.

Hence the order.

### **ORDER**

Grievance of the consumer towards dispute about liability to pay Rs.,13,625/-and refund of said amount towards PD connection of Pandharinath R. Chavan is hereby rejected, for want of authority from Pandharinath Chavan.

Kalyan

Dated:7/5/2014

I agree

I agree

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

**(Chandrashekhar U.Patil)**  
**Member Secretary**  
**CGRF,Kalyan**

**(Sadashiv S.Deshmukh)**  
**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 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”*

- c) 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.

