



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/N/141/1282 of 2016-17**

Date of Grievance : 04/10/2016

Date of order : 25/10/2016

Total days : 22

**IN THE MATTER CASE OF GRIEVANCE NO. K/N141/1282/2016-17 IN RESPECT OF SHRI MUKESH SHANKARLAL WADHWA, PLOT NO. 39 & 59 O.T. SECTION, INDUSTRIAL AREA, ULHASNAGAR--421004, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.**

Shri Mukesh Shankarlal Wadhwa,  
Plot Nos. 39 & 59 ,  
O.T.Section Industrial area,  
Ulhasnagar – 421 004.

..... (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 H.S. Chaure –AEE- Ulhas-S/dn-03.  
For Consumer - In person.

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 brief facts of the grievance application are as under:-

The applicant / consumer has filed this grievance application on 04/10/16, for giving 3Ph 27 HP for running industries known as M/s. Asha Silicate Industries, Gala No.2, Plot No.59 & 39 OT section, Industrial Area, Ulhasnagar -04 for manufacturing of plastic products, therefore, he applied for new connection.

3] The applicant / consumer approached to IGRC on 30/08/16 and IGRC has rejected the application of the applicant / consumer mentioning therein that one Shri Rajkumar Tijumal wadhwa has filed the Civil Suit No.117/2015 before the Hon'ble Civil Court, Ulhasnagar, for ownership of plot Nos. 59 & 39. Hence, IGRC has no jurisdiction in this matter. Therefore, consumer approached to this Forum by filing grievance on 04/10/16. On receiving this grievance it's copy along with accompaniments sent to the Licensee vide this Office Letter No. EE/CGRF/Kalyan/255 dated 04/10/2016. The applicant / consumer prayed for supply new connection.

4] The Licensee appeared and filed compliance report on 17/10/16, contending that on 27/7/16 the applicant / consumer has filed application for new connection ( 3 Ph 27 HP) to Division. On 12/8/16 TFR is submitted by S/Dn to Division. On 19/8/16 EE Ulhas-II has instructed Addl.EE, Ulhas-4 for checking of installation / premises and installation is checked on 20/8/16 along with AEE Nagrani, A.E., Lalchakki applicant / consumer, his representative Shri Pappan and found that there are 05 numbers of connection at the above address and submitted checking report on 23/8/16. On 23/8/16 the Licensee received the objection letter from Kundan Tejomal Wadhawa of the same above address, regarding not to release any connection on Plot Nos. 59 & 39 OT Section, Industrial area,Ulhasnagar-04, being the Court matter. Accordingly, the Division Office has obtained the opinion from Legal Advisor Kalyan Zone.

5] The legal advisor in this connection given an adverse remark and stated that since the meter is sub-judice before the Competent Authorities, the applicant / consumer's application for new connection be kept on hold till the further decision.

6] When the applicant/ consumer appeared before the Forum, we have gone through his submission and the record kept before us. We have noted / observed the following facts----

Same Interim orders are passed through the Civil Suit is still pending before the Competent Authorities and hence as per Clause 6.7 (d) of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 if the matter is pending before any Competent Authorities regarding the same issue, the Subordinate Authority cannot entertain the matter. The Civil Court is seized of the matter and it is not advisable for this Forum with limited jurisdiction to entertain the grievance.

Hence, as per clause 6.7 (d) of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006, this Forum has no jurisdiction to entertain the matter.

Hence the order.

**ORDER**

The matter stands disposed off.

The applicant/ consumer is at liberty to pursue his matter before the Competent Authorities, if, he so desires.

Dated: 25/10/2016.

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

(L.N.Bade)  
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.

on 15/2/16 in the morning her staff members found that there was no electricity supply. She immediately lodged complaint with Addl. Executive Engineer at Sub/Dvn.III, Ulhasnagar-03 with a request to connect electricity supply and the complaint was registered under No.19 on 15/2/16 at 10.45 a.m. On the said complaint, the linemen visited the shop premises for restoring the connection. The linemen enquired with the complainant whether there was outstanding bill to be paid, to which the consumer replied in the negative and further told them that if any bill was still outstanding, she is ready to pay it. At that time the linemen told that the electricity connection was deliberately disconnected by some mischievous

person. At that time, when linemen were trying to connect the electricity connection one Mr. Avinash resident of the same apartment, came over there and did not allow the linemen to restore the electricity supply and the linemen went back without restoring the supply by saying that they would report this matter to the concerned Officer.

3] The consumer further contended that she made several correspondences with the Licensee for reconnection but they did not restore the supply though they are empowered to take police assistance. Thereafter the consumer take the assistance of the secretary of her society though it was not necessary. The consumer wrote several letters to the authorities but of no avail.

4] The consumer sent the legal notice dated 28/3/2016 through her Advocate to the Licensee. On receipt of the said notice, the supply was restored on the same day at about 13:31 hours. The consumer stated that during the period of 42 days between 15/2/16 to 28/3/16 she undergone several untold hardship, mental agony and torture, business loss/damage wages paid to the employees, compensation etc. remained to be paid to consumer, to which the Licensee did not respond. Therefore, the consumer approached to IGRC on 03/6/16. However, IGRC has not passed any order within stipulated time of 60 days. Therefore, consumer approached to this Forum by filing grievance on 03/10/16. On receiving this grievance it's copy along with accompaniments sent to the Licensee vide this Office Letter No. EE/CGRF/Kalyan/254 dated 03/10/2016. The consumer prayed for claim for loss of business, mental torture, agony, compensation was not paid as yet.

5] The Licensee appeared and filed their reply on 19/10/16 and produced the CPL. The Licensee contended that when the concerned Asst.

Engineer visited the premises of the consumer, at that time the residents ( 10 – 15 Nos ) denied aggressively for giving the key of the meter cabin and for restoring of the supply. But by keeping continuous follow up and convincing with residents, on 28/3/2016 the supply has been restored.

6] We have heard both sides at length and gone through the reply and CPL and the documents /correspondence produced by the consumer, we found that

Hence the order.

**ORDER**

- 1] Grievance application of the consumer is hereby allowed.
- 2] The Licensee is directed to revise the bill of the consumer as per recorded consumption as 180 units per month for six months.
- 3] The consumer has to pay the amount of revised bill as per 180 units per month for six months.
- 4] The Licensee to pay compensation amount of Rs.2000/- to the consumer towards harassment.
- 4] 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.

Date: 18/10/2016.

**I agree**

**(L.N.Bade)**  
**Member Secretary**  
**CGRF, Kalyan**

**(A.M.Garde)**  
**Chairperson**  
**CGRF, Kalyan.**

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- e) 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.  
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- g) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-



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