



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

Date of Grievance : 30/04/2013  
Date of Order : 03/07/2013  
Period Taken : 64 days

**ORDER IN THE MATTER OF GRIEVANCE NO. K/DOS/011/841 OF 2013-14 OF SHRI PRAKASH J. TULSIYANI OF ULHASNAGAR – 3, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT CONNECTING SUPPLY**

Shri Prakash J. Tulsiyani,  
PVC Pipe, Shop No.287A,  
Ulhasnagar-3, Dist. Thane  
Consumer No.021510353380

} (Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Exe.Engineer, Ulhasnagar, Division - I

} (Here-in-after  
referred  
as Licensee)

Appearance :- 1. Consumer's Representative,  
Mr. Jitu L.Tulsiyani  
2. For Licensee:  
Nodal Officer, Kalyan Circle-II,

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This 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. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred 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 having Industrial supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered grievance with the Forum on 30/4/2013 for connecting supply, allowing him to pay 33% of current due and granting instalments for balance, if found due.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0262 dated 2/5/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 24/5/2013.
4. We heard Consumer's Representative, Shri Jitu L. Tulsyani and Incharge Nodal Officer, Shri Pan Patil, Exe. Engineer of Licensee on 10/6/2013. On hearing the contentions of both sides following facts are disclosed:-
  - (a) The Consumer had supply from the Licensee from 2/4/1983
  - (b) It resulted in P.D. in Oct.'11 and as on the date of P.D. dues were shown to the extent of Rs.96,265.97.
  - (c) Prior to it, the dues were demanded by the Officers of Licensee issuing letters and notice dated 12/8/2011 and 17/9/2011 demanding amount to the extent of Rs.92,264/- and Rs.94,240/- respectively.
  - (d) As at the end of Apr. '13, as per the CPL dues are shown to the extent of Rs.75,488.28 ps. It is contended on behalf of Licensee in reply that an amount of Rs.25,269.97 ps. is given credit in the CPL of Consumer in the month of June '10 about which the Consumer has raised dispute vide his letter dated 3/2/2010.
  - (e) It is contended on behalf of Consumer before IGRC in his application dated 3/11/2011 that his unit was shut down due to losses as there was unscheduled load shedding. He has suffered a lot and now arranged to

restart factory and sought a relief of re-connection, allowing him to pay only 33% of the amount of current bill and sought six equal monthly installments for the payment of due amount if found to be paid by him.

(f) As his Application was not decided by IGRC, he approached this Forum on 30/4/2013.

5. In this matter, we have heard both sides. Main contention of Consumer before IGRC is peculiar in itself. In so many words, he is not disputing the dues but only sought re-connection on paying 33% of the amount of current bill and seeking six, monthly installments. However, he had enclosed with the application before IGRC notice of the Licensee dated 12/8/2011, 17/9/2011. It is clear that as payment was not done, connection resulted in P.D. in Oct.'11. Along with the Grievance Application herein, the Consumer enclosed letter dated 3/2/2010 addressed to the Divisional Officer, MSEDCL, Ulhasnagar about the amount of Rs.25,269.97 ps. shown as P.F. penalty in the month of Nov.'09 and sought reversal of that entry. Now it is clear from the reply of Licensee that said entry is reversed in the month of June '10 itself and we have confirmed from CPL that such reversal entry is existing and now the total dues shown by the Licensee by the end of Apr.'13 are of Rs.75,488/-. Question comes up whether any relief in the interest can be granted?
6. We find the connection resulted in P.D. in Oct. '11 as due amount not paid. Consumer is seeking re-connection in November 2011, i.e. within six months of P.D. hence he can seek a re-connection but in that case he is required to clear off the existing dues. As stated above facts are clear, Licensee is having the right to recover the dues, resorting to different modes available and within 3 years, it can seek relief from Civil Court, i.e. recovery suit. Accordingly we are not able to find any power available

with us, in respect of waiving of interest. At the same time we also won't find any provision for granting installments as it is not a case of live supply and dues piled up due to error / mistake on the part of the Licensee. On close reading of CPL it is clear that supply resulted in P.D. as payment was not done in time and already towards the P.F. penalty, entry is reversed and that aspect is also cleared. Under such circumstances we are not able to find any fault with the Licensee and in result we are not having any power at all to grant installments or waiver of interest. If at all the Consumer seeks connection, then he is required to follow rules and clear the dues as worked out by Licensee. Working of dues done by Licensee as reflected in CPL for Apr. '13 is clear. Consumer is to get the details of dues up-to-date from the Officers of Licensee and pay off it, then only he can seek fresh supply as already six months time is over. Though he has approached IGRC and CGRF from six months of P.D., but he has approached with conditions in the form of making conditional offers which cannot be said to be in compliance with the requirements. For getting re-connection total payment is to be done within six months and request is to be made which is not seen in this matter.

7. Though we heard this matter on 10/6/2013 we tried to have recent circulars issued by the Licensee towards package of "Abhay Yojana". Those were not available in right time and though we succeeded in procuring those commercial circular nos. 163 dated 19.4.2012 & 195 dated 15.4.2013, we noticed that these commercial circulars are not of any use for the Industrial supply as on this date for the case which we are dealing.
8. We could not decide this matter within 60 days and 4 more days were required for completing it for the aforesaid reasons stated in last part of para 7.

9. In result, we find no merit in the grievance, it is to be rejected.

Hence the order.

**O-R-D-E-R**

Grievance of the Consumer is hereby rejected.

Date : 03/07/2013

**I Agree**

**I Agree**

<b>(Mrs. S.A. Jamdar)</b>	<b>(Chandrashekhar U. Patil)</b>	<b>(Sadashiv S. Deshmukh)</b>
<b>Member</b>	<b>Member Secretary</b>	<b>Chairperson</b>
<b>CGRF Kalyan</b>	<b>CGRF Kalyan</b>	<b>CGRF Kalyan</b>

**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”.*