



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/0128/984/2014-15

Date of Grievances: 28/07/2014
Date of Order : 15/09/2014
Total Days : 49

IN THE MATTER OF THE GRIEVANCE NO. K/N/0128/984 OF 2014-15 IN RESPECT OF ARJUN PRIBHDAS WADHVA, GALA NO. NEAR SHAMSHANBHUMI ROAD, P ROPEYTY NO.18-BI016038400,ULHASNAGAR 421 002, DIST. THANE, , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.

Arjun Pribhadas Wadhva

Gala No. Near Shamsanbhumi Road,

Property No.18-BI016038400

Ulhasnagar -421 002,Dist. Thane.

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited though its

MSEDCL,Kalyan Circle-II

.... (Hereinafter referred as Licencee)

Appearance : For Consumer – Shri Ravi Anand -Consumer's representative.
Consumer- In person.

For Licensee- Shri Nemade – Addl. Exe.Engineer.
Shri Mahajan- Asst. Accountant.

(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] Applicant is a prospective consumer (hereinafter referred for the sake of convenience as 'consumer') Consumer claimed that he is the owner of property bearing No. 18-BI016038400, situated at Ulhasnagar near Shamshanbhoomi road. He applied for new supply on 23/3/2014. Application was received in Sub-Division of Ulhasnagar on 26/3/2014. It was sent to Junior Engineer for ascertaining technical physibility on 1/4/2014. However, supply was not given , hence consumer approached IGRC on 23/4/2014, IGRC decided it on 21/6/2014 observing that the premises wherein consumer is seeking supply, was already having connection in the name of Shri Kishinchand Ratanchand Rohira, bearing consumer No. 021512021171 and said premises was visited by Flying Squad of Licencee on 21/3/2013 and detected theft of electricity. Thereby bill was issued for Rs.15,25,644.74 Ps. and then FIR was lodged by the said Flying Squad on 8/5/2013 with police and it being aspect of theft, it has no jurisdiction.

3] Aggrieved by said order, consumer approached this Forum on 28/7/2014. On receiving this grievance it's copy along with accompaniments sent to the Nodal Officer vide this Office Letter No. EE/CGRF/Kalyan /0298 dated 4/8/2014. In response to it, Officers of Licencee appeared and filed reply on 20/8/2014 and then produced papers on 26/8/2014.

4] Matter was taken up for hearing. Both sides argued. During the course of arguments consumer placed on record copy of agreement to sell dated 13/4/2007. Mutation entry approved on the basis of said agreement for sale. It is of 26/6/2007, mutation entry No. 238. In addition, consumer's representative placed on record property tax receipt issued on 6/4/2014 for the part of current year.

On the basis of these arguments, consumer's representative submitted that consumer has acquired this property, which is entered in the Municipal record. Mutation entry passed and consumer is paying taxes from the year 2007. He submitted that when property belongs to him, he has filed application for supply, but supply is denied and it is disclosed that there is a theft of electricity from that premises and towards it, user namely Mr. Vicky Gyanchand Rohira and Kishinchand Ratanchand Rohira as a owner are involved in it. Crime is registered and accordingly, for theft of electricity, those persons are dealt. Admittedly, there was supply in the said premises in the name of Kishinchand Ratanchand Rohira. Consumer's representative submitted that consumer is not seeking change in name for said supply, but seeking new supply. Accordingly, consumer though claimed that property belongs to him from 2007, he has not resorted to any action for changing the name for the connection available in the premises.

5] Though, on the basis of documents made available, possession of consumer from the year 2007 on record, is, seen. Consumer's representative, during the course of arguments, tried to explain that when this property as per agreement was taken by him, Vicky Gyanchand Rohira, was, using it and on humanitarian ground he is using. He further added that Vicky Rohira is user, he committed theft as alleged by Licencee against whom already FIR is filed and Licencee had every authority to deal him in a criminal case and as supply is in the name of Mr. Kishinchand Ratanchand Rohira, he is also added as accused in the said FIR, hence, CR claimed that present consumer cannot be in any way connected to said case of theft u/s. 135 of Electricity Act and supply given to him cannot be denied.

6] On behalf of Licencee, it is submitted that consumer claims to be the occupier of premises wherein supply is there in the name of Kishinchand Rohira from 2007 and incident of theft disclosed on 21/3/2014. Inspection report of Flying Squad is on record. Even Flying Squad's letter to the Executive Engineer asking recovery Rs.6,00,000/- from incumbent issued on 22/3/2013 is placed on record. Consequently and bill is issued on 22/3/2013 seeking amount of Rs.15,25,650/-. Thereafter complaint is filed with police on 8/5/2013 and FIR is bearing No. 1278/2013. It is contended that said amount of the bill is pertaining to the extent of theft u/s. 135 of the Electricity Act mentioned, in the premises used by Vicky Rohira and present consumer is claiming that it is his property. Accordingly, it is contended that incident of theft occurred, said connection resulted in permanent disconnection (PD) and if any new connection is to be sought therein, then previous dues of said connection are to be paid by new consumer, if intend to have a supply. Accordingly, Officers of Licencee stucked up to this particular stand.

7] Consumer's representative relied on the order of Ombudsman in Representation No. 48 in repetition No.48/2010, decided on 13/5/2010, in the matter of Dilip Lotan V/s. Maharashtra State Electricity Distribution Company, CR referred to Para 10, 12,13,14,17,18 of the said Judgment. It is contended, on reading Regulation 10.5 of Supply Code, 'while giving connection to new consumer any arrears outstanding, due to the action u/s. 135 of Electricity Act, it cannot be recovered and it will not fall in the said Clause 10.5 of Supply Code. For ready reference, those paragraphs of the judgment are reproduced as under:-

10----- 'But, now, the fact remains that the Appellant is in need of electricity in the premises and the issue involved is whether the Appellant is liable to pay the entire arrears and penal charges, etc on account of theft of electricity which happened much earlier when the Appellant was not in picture.'

12-----The Forum held that assessment of theft is beyond the purview of the Forum and the Respondent is justified in denying the new connection, and therefore, rejected the grievance'.

13----- The Respondent's argument is that the said assessment of theft of electricity is recoverable from the Appellant in terms of Regulation 10.5 of the Electricity Supply

Code. The Respondent does not deny that it was the previous owner/consumer, who was responsible for theft. Therefore, the assessment, if any, logically and legally is required to be recovered from the person who was responsible for the alleged theft of electricity. On the contrary, the Respondent prefers to recover it from the present Appellant who is admittedly not concerned with the theft. The Respondent's defence in this behalf, rests on the provisions of Regulation 10.5 of the Supply Code

Regulations. The Respondent says that any assessed amount on the premises is recoverable by the Licencee from the new owner or occupier of the premises.

14----It includes, apart from proof of ownership, payment of charges for electricity or any sum than the charges for electricity due to the distribution Licencee which remains unpaid the erstwhile owner/occupier.'

17----As regards, occurrence of theft of electricity or quantification of assessment, etc., it is neither intended nor permissible for this Electricity Ombudsman to go into the details within the scope of present representation. It is for the Respondent to take suitable action against any person who is responsible for theft. It is the Regulation 10.5 of the Electricity Supply Code Regulations, which comes into play, while deciding the present matter. The words any other sum other than the charges for electricity' appearing in the Regulation, do not mean and include amount of theft assessment charges, with which the present Appellant is not even remotely concerned. In view of this, the Respondent cannot be allowed to take benefit of Regulation 10.5 to rope in the Appellant for recovery of charges for theft of energy, in a manner in which it has been done. Forum's order cannot being allowed to sustain and is therefore, hereby set aside.'

18----The Appellant cannot be held responsible for payment of theft assessment charges which are certainly attributable to the previous owner, Appellant's representation therefore, deserves to be allowed. This does not, however, take away the respondent's right to recover the assessment charges, if any, for theft of electricity from the person who is responsible for it, by following due process of law. The appellant's liability will be restricted to payment of six months of the unpaid charges, if any, for electricity supply to such premises in terms of regulation 10.5. It shall not include the amount of theft assessment charges, recoverable from the previous owner/consumer. The Respondent may quantify such charges and recover from the Appellant and then shall process the Appellant's Application for release of electric supply as per Regulations. Incase such details for the old period are not available with the Respondent, it will not be open to it to delay release of electricity connection on that ground.

At this stage only Regulation 10.5 is required to be placed before the eyes which is reproduced as under for ready reference:-

Section 10.5 :- Any charge for electricity or **any sum other than a charge for electricity due** to the Distribution Licensee which remains unpaid by a deceased

consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors— in— law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be ;

Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.

Observation of Hon'ble Ombudsman are self speaking legal position is made clear that while considering the Regulation Clause 10. 5 any liability towards the incident of section 135 of Electricity Act, is, not included in it and it's recovery for the purpose of new connection, cannot be asked or insisted. We find no more comments are required on this legal position already laid down.

8] If, once it is held that liability raised, applying section 135 of Electricity Act, it cannot be recovered or insisted to be recovered, from the new consumer, who is seeking supply. Then question comes up in the present case whether refusal to give supply is legal and proper?

9] It is a fact that offence u/s. 135 of Electricity Act is registered on behalf of Licencee copy of complaint, FIR ,panchnama placed on record, speaks about it and there is no dispute about it. Present consumer is not shown in the said proceeding as an accused. The person in whose name supply given and user of that particular supply are shown as alleged. Question comes up whether present consumer has any way can be connected to the incident of theft. We find on the basis of papers, it can be seen who is the accused and if name of present consumer is not shown therein, it is not possible to involve the present consumer with the incident of theft.

10] Admittedly connection continued till to the date of incident of theft subsequently resulted in PD. Consumer is not seeking change in name for said supply. He is seeking new supply. Towards new supply he has provided copy of his agreement with previous owner i.e. consumer in whose name supply was there at the time of incident of theft. Even it is a fact that on the basis of said agreement dated 13/4/2007 name of the present consumer is entered in the Municipal record on 26/6/2007 vide mutation entry No.238. Even Municipal tax bills are issued to him and recent tax bill dated 6/4/2014 covering the period from 1/4/2014 to 30/9/2014, is, placed on record. These documents clearly show the basis of entitlement of consumer to the said premises. We are not required to decide the title of the property, but occupation of present consumer is demonstrated on the basis of these papers. For seeking new supply, one is required to prove his legal entitlement to the property and on the basis of the aforesaid papers, it can be said his occupation or entitlement for occupation is clear. As explained by CR, Mr. Vicky Gyanchand Rohira is permissible user therein, who was inducted by Kishinchand Rohira and continued by present consumer, after the document dated 13/4/2007 but such continuation of Vicky by consumer is not stated anywhere in the grievance application, rather an attempt was done to disown even Vicky but on pointing out the wordings in the agreement about possession taken by consumer CR developed this theory subsequently. Under these circumstances, though, if it can be said that present consumer has nexus with the premises and Vicky Rohira. Still consumer is not added as accused or that aspect is not enquired and investigated, it will not be possible to say present consumer, having any connection to the said aspect of theft u/s. 135 of Electricity Act.

As noted above, any liability u/s. 135 of Electricity Act cannot be read as covered under Clause 10.5 of Regulation and connection can be denied. In this matter, we find that position is clear, present consumer, is not shown as accused in theft case u/s. 135 of Electricity Act, not named in FIR or complaint, hence if he is claiming new connection then at the most as per the Clause 10.5 of Regulation Act only six

months charges if remained unpaid those can be recovered. Accordingly, consumer cannot be denied the supply, towards dues arising out of incident of theft u/s. 135 of Electricity Act. CR submitted that liability if any is arising as per Clause 10.5 of Regulation Act, consumer is ready to pay it. Accordingly, we find that consumer's supply cannot be stopped, consumer is entitled to the supply, conclusions arrived at by Licencee is not correct, as Licencee is not seeking any action against consumer pertaining to theft case u/s.135 of Electricity Act. As per the observation of Hon'ble Ombudsman in above cited order, there cannot be any bar of jurisdiction, to deal the matter. It is necessary to mention, in the order of Hon'ble Ombudsman, similar was the situation wherein Forum rejected the application, observing, that it has no jurisdiction. Now, we find supply is required to be given to the consume after getting all compliance required, if not complied till this date, within 30 days from the date of this order. Consumer sought action against Officers for not giving firm quotation promptly, but we find as aspect is peculiar and Officers were faced with the case u/s. 135 of Electricity Act. One thing cannot be ignored that consumer is trying to take advantage of the position. He has not taken possession from Vicky Rohira, but continued him and claiming that theft liability is with Vicky Rohira. Under such circumstances, no any such direction required against the Officers for not giving firm quotation in time and compensation as per SOP.

Hence the order.

ORDER

- 1] Grievance of applicant is hereby allowed.
- 2] The contention of Licencee about requirement of consumer, clearing dues arising out of theft case lodged u/s. 135 of Electricity Act dated 8/5/2013, is, hereby set aside.
- 3] The consumer is entitled to new supply and his application for supply is to be dealt by giving supply within 30 days from the date of this order, getting all things, complied within 30 days. However, if there are any unpaid charges of previous supply in the said premises other than theft charges, as per Clause 10.5 of Regulation

to the extent of six months prior to the PD, those be recovered from the consumer informing him about that quantum.

4] Compliance of this order be reported within 15 days after aforesaid 30 days provided.

Dated:15/9/2014

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

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.



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/DOS/031/995/2014-15

Date of Grievance : 02/09/2014

Date of Order : 04/09/2014

Total days : 2 Days.

IN THE MATTER OF GRIEVANCE NO. K/DOS/031/995 OF 2014-15 IN RESPECT OF
M/A. BHAGWANDAS ISPAT PVT. LTD. H. NO.20, MIDC ADDL. MURBAD, VILLAGE
KUNDAVALI, DIST. THANE, REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING THE NOTICE ABOUT
DICONNECTION OF SUPPLY.

M/s. Bhgwandas Ispat Pvt Ltd. H.20
MIDC, Addl. Murbad,
Village Kundavali, District-Thane.
Consumer No.018019201150-HT)

.... (Hereafter referred as Consumer)

Versus
Maharashtra State Electricity Distribution

Appearance : For Consumer – Shri B.R. Mantri-Consumer's representative.
For Licensee- Shri Khan – Nodal Officer
Smt. A.S.Kale-Asst. Accountant.

OPERATIVE ORDER

Grievance of consumer is hereby allowed.

Licencee is directed to reconnect the supply forthwith within 24 hours and to submit compliance report within one week.

Though, now restoration of supply is directed, it is clear that disconnection of 30/8/2014 till this date remained illegal. The effect of notice issued on 22/8/2014 was up to 9/9/2014 and hence this illegal disconnection period, is, to be considered and 15 days time of that notice, in this light, is, to be now treated as 15/9/2014. Accordingly, if amount stated in the notice dated 22/8/2014 not paid by consumer till 15/9/2014 then very well, Licencee can resort to the action of disconnection. This particular date of 15/9/2014, is on presumption that Licencee is reconnecting the supply within 24 hours i.e. up to 2.20 p.m. on 5/9/2014.

Dated:04/9/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan



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NOTE

Grievance No. 995/2014-15 is decided on 4/9/2012, at 2.20 p.m. Total Order with reasoning was dictated in presence of both sides. Operative of the said order was made available to both sides forthwith and acknowledgement of both sides obtained on the order. Transcription of said order was to be completed which was taken on 5/9/2012. On 5/9/2012, no matters were kept for hearing, hence Forum was not holding sitting. However, Hon'ble Secretary Mr. Patil, called on me at 13.40 hours which I responded at 13.55 hours. Secretary made me aware that there is request being filed for seeking reasoned copy of order and time for reconnection towards compliance of order as it intends to approach Hon'ble High Court. He made me aware that as soon as such written request come to him, he will be reading over those contents. Accordingly at 15.16 hours, Secretary made me aware of the letter submitted by Licencee for the aforesaid reliefs. Hence, it is decided to keep the matter today at

12.30 hours to which I conceded. Accordingly he sent me SMS at 16.35 hours. I did enquire with my Stenographer about the transcription at 15.30 hours. She replied that transcription is over.

Dated: 6/9/2014

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan Zone



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/DOS/031/995/2014-15

Date : 06/09/2014

FURTHER ORDER IN THE GRIEVANCE NO. K/DOS/031/995 OF 2014-15 IN RESPECT OF M/A. BHAGWANDAS ISPAT PVT. LTD. H. NO.20, MIDC ADDL. MURBAD, VILLAGE KUNDAVALI, DIST. THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING THE NOTICE ABOUT DICONNECTION OF SUPPLY.

M/s. Bhgwandas Ispat Pvt Ltd. H.20
MIDC, Addl. Murbad,
Village Kundavali, District-Thane.
Consumer No.018019201150-HT)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
MSEDCL, Kalyan Circle-II

.... (Hereinafter referred as Licencee)

Appearance : For Consumer – Shri B.R. Mantri-Consumer's representative.
For Licensee- Shri Khan – Nodal Officer
Smt. A.S.Kale-Asst. Accountant.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

This matter is decided on 4/9/2014 and time was granted to the Licencee to reconnect the supply within 24 hours and on such connection till 15/9/2014 supply was to continue and if consumer failed to pay the amount till then as cited in the notice dated 22/8/2014, then Licencee is entitled to disconnect the supply. It's compliance was sought within 7 days after such reconnection.

Before completion of time of 24 hours which was to over on 5/9/2014 at 2.20 p.m. Licencee approached this Forum with application for extension of time for

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reconnection of electric supply by 7 days. Considering this application, consumer's representative was made aware of it and matter decided to take up today. Accordingly, today Consumer's representative attended, he placed on record, letter conveying the non compliance of order. Officers of Licencee attended. Both sides made submissions.

2] On the basis of submissions made, it is clear that Licencee is seeking extension of time of 7days for reconnecting the supply that too on the ground that Licencee intends to challenge this order before the Hon'ble High Court. It is a fact that reasoned order dated 4/9/2014 was dictated fully in presence of both sides and operative order was made available to them as soon as it is transcribed on the very day. However, total order was yet to be transcribed, total order with reasoning is sought by Licencee vide their letter dated 5/9/2014. Accordingly, today matter is taken up, both sides are provided with the copy of order with reasoning and this matter is heard.

3] On behalf of licensee, it is contended that matter is intended to be taken to Hon'ble High Court, hence time be extended . On behalf of consumer, it is claimed

that already there is disobedience in the order passed by this Forum and supply is not connected and hence, there is no question of extending the time.

4] During the course of discussion, we tried to find out the powers of this Forum to entertain such application and to extend the time. In the Mah. Electricity Regulatory Commission, there is no such express provision. But in Regulation there is mention of power to the Forum to pass the order as it is found proper in the circumstances. However, even, it is noted that there is order of MERC passed on 11/10/2006, in Case No.23/2006 which is made known to both sides. Wherein there is observation that this Forum can consider and deal the non compliance of the order.

5] Accordingly, one fact is clear that consumer can approach this Forum, if there is non compliance, if, it is so, question comes up whether Licencee can

approach, seeking extension of time which is granted by this Forum. This aspect is argued by Licencee's side, contending that only for challenging the order in Hon'ble High Court, time is being sought for reconnecting of supply hence it can be considered. On the other hand, consumer's representative submitted that no such extension of time, can be granted by the Forum to the Licencee, as there is no provision in the matter when there is non compliance of order.

6] Considering the fact that order is passed by this Forum, giving 24 hours time for reconnection of supply and before completion of said period, Licencee approached for extension of time of 7 days, as it intends to approach Hon'ble High Court, this needs to be considered in appropriate spirit. As right of Licencee to challenge the order in the Hon'ble High Court, cannot be disregarded. Secondly, the provision of Regulation referred above are speaking about powers of this Forum to pass appropriate orders and even Hon'ble Ombudsman in Case No.23/2006 clarified that towards implementation of order passed by CGRF, CGRF can entertain and ensure the enforcement. If the orders can be enforced by this Forum, then very well,

when any relief is claimed by Licencee praying for, time to approach the Hon'ble High Court, this cannot be refused if found fit, relief can be granted.

7] As noted above, supply is disconnected on 30/8/2014, consumer approached this Forum on 2/9/2014. Notice was issued to other side on 3/9/2014 and heard and decided on 4/9/2014. Accordingly within two days matter is decided finally. Accordingly, consumer took time of three days to approach the Forum and Forum dealt the matter is within two days, but Licencee intends to approach challenging the order before the Hon'ble High Court and is seeking seven days time. We find, considering the legitimate right of Licencee to approach the Hon'ble High Court, seven days time to reconnect the supply as prayed, is to be granted. Said seven days time if considered from this date i.e. from 6/9/2014, then time of seven days will be up to 12/9/2014, hence time till that date is to be granted. As time of further seven days is

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being granted and time is sought before completion of 24 hours, there is no question of dealing the matter towards it's breach, as pointed out by the consumer vide letter dated 6/9/2014. Such aspect can be considered, further if any such situation comes. ***It is made clear that this extension of time of seven days in no way will keep the notice dated 22/8/2014 as valid.***

Hence order.

ORDER

Time of seven days granted to the Licencee to reconnect the supply to the consumer from this date i.e. from 6/9/2014 till 12/9/2014. This time is granted as Licencee intends to approach Hon'ble High Court. This extension in no way will keep the notice dated 22/8/2014 as valid.

Dated: 06/09/2014

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: -

- 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.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.

- f) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- g) 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”

- h) 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.

