



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/961/1167 of 2015-16**

Date of Grievance : 02/12/2015

Date of order : 16/02/2016

Total days : 76

IN THE MATTER CASE OF GRIEVANCE NO. K/ E/961/1167/2015-16 IN RESPECT RAMESH LILARAM NAGPAL (C/O DILIP LILARAM NAGPAL), GOVT. SHOP NO.9,10, NEAR VENUS TALKIES, ULHASNAGAR-4, PIN CODE – 421 004, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Ramesh Lilaram Nagpal,
(c/o Dilip Lilaram Nagpal),
Govt. shop no.9,10,
near Venus Talkies,
Ulhasnagar-4,
Pin Code – 421 004,
Dist. Thane.

(Consumer No.021514034874)

..... (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 Nemade, AEE, Ulhas -V S/Dn.
For Consumer- Shri Santosh Marathe, CR.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

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’.

The consumer Shri Ramesh L. Nagpal, c/o Dilip L. Nagpal, having its industry at Govt. shop Nos.9 & 10, Near Venus Talkies, Ulhasnagar-4 for 13 HP with consumer No. 021514034874, approached to IGRC for excessive billing by submitting Form ‘X’ dated 26/8/15.

In response to the above, X form, the IGRC has not provided any remedial action within two months specified for it. Hence the consumer approached to this Forum by submitting his grievance in schedule “A” dated 2/12/15, which was registered by allotting No. KE/961/1167 dated 2/12/15. The consumer submitted grievance for the bill of amount of Rs.1,31,170/- received to him in July 2015 and against the dishonoured cheque No.16291 dated 21/11/2013.

The hearing for above matter was scheduled on 29/12/15 at 12:30 hours and it was informed to the Nodal Officer of KC-II vide letter No.292 dated 2/12/15 with its copy to the consumer.

On 29/12/15, the Licensee submitted the copy of the correspondence made by AEE of Ulhasnagar-IV S/dn to Shri Ramesh L. Nagpal vide letter No. 728 dated 30/6/15, 944 dated 25/8/15 and 1141 dated 6/10/15 . The Officers of the Licensee clarified that vide letter dated 30/6/15, the consumer was informed about his dishonored cheque No.16299 dated 21/10/2013 submitted by him for the amount of Rs.76,500/- towards payment of the arrears and hence enclosed the bill of Rs.1,30,400/- including bank commission, DPC and interest. In response to the consumer's application dated 27/7/15, the AEE again submitted the statement in detail about his dishonored cheques from 8/12/2012 till 21/10/2013. The total 07 (seven) cheques were dishonoured from time to time which were submitted by consumer during the above period and his last cheque bearing Sr. No.16299 dated 21/10/2013 for the amount of Rs.76,500/- was also dishonoured. The Officers of the Licensee clarified that they came across the details of last dishonoured cheque in July 2015 and hence prepared B-80 + for the amount of Rs.1,31,170/- including capital of Rs.76,500/-, interest Rs.22,950/-, **DPC** Rs.30,600/- and bank charges as Rs. 350/-.

When the Forum asked to the consumer about dishonour of cheques issued by him dated 8/12/2012, 4/3/2013, 24/3/2013, 21/5/2013, 18/7/2013, 22/8/2013 and 21/10/2013, he has not given any satisfactorily reason for all the above bounced cheques. It was also the consumer's prime duty to confirm that cheques issued by him towards arrears of utilized electricity bills should not get dishonoured from the bank. It is observed by

the Forum that he had not shown his responsibility for the payment of the arrears. Also he has not taken the care of the basic responsibility to be followed by him, but instead he made correspondence about the arrears and approached to IGRC and lastly to this Forum.

It is also surprising as to why Licensee went on accepting the cheques when the cheques issued by consumer bounced. In fact as per the norms, Licensee is not supposed to accept the subsequent cheque /cheques when the record shows that the first cheque was found bounced.

It is clear that the consumer is defaulter and not honest regarding payment of the arrears of utilized electricity. It is also observed by the Forum that he was consuming the time by keeping the matter lingering and avoiding to pay the dues against him which is not fair. In spite of non payment of the amount towards dishonoured cheques, the Licensee has not disconnected the supply of the consumer.

Hence the order.

ORDER

The grievance of the consumer is hereby rejected.

Date:16/2/2016.

I agree

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

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