



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/E/1306/1546 of 2017-18

Date of registration : 12/03/2018

Date of order : 03/05/2018

Total days : 52

IN THE MATTER OF GRIEVANCE NO. K/E/1306/1546 OF 2017-18 OF SHRI. PRIBHADAS KAUROMAL (NEW OWNER NAME), SHRI DILIPSINGH INDARSINGH DINGNOT, SHOP NO.1008, ULHASNAGAR-2, DIST.THANE, PIN CODE - 421 002 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri. Pribhadas Kauromal (New Owner Name),

Shri Dilipsingh Indarsingh Dingnot,

Shop No.1008, Ulhasnagar-2,

Dist.Thane, Pin Code - 421 002.

(Consumer no. 021510105190)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited,

Through it's Nodal Officer,

Kalyan Circle –II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.D.Yadav, AEE, Ulhasnagar-III S/dn.

For Consumer - Shri.J.S.Rajput (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

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 Redressed 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.

[Electricity Supply Code and other conditions of supply 2005] 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.

2) On receiving the said grievance, its copy along with accompaniments were sent to the Nodal Officer, Kalyan Circle-II, Kalyan vide this forum's letter no. EE/CGRF/Kalyan/099 dt.12/03/2018. In response to it, the officers of Licensee appeared and filed reply on 26/03/2018.

3) Grievance of the Consumer Shri. Pribhadas Kauromal having Consumer no. 021510105190 had P.D. arrears before 31/12/2000. The said premises has been purchased by Shri.Dilipsingh Labhada on dt.24/05/2007. As there was no connection in the premises. Licensee got Rs.48760/- paid from Consumer, instead of applying section 10.5 of supply code regulation. Consumer applied to IGRC for justice but no relief granted hence approached forum. Consumer Representative demands refund of excess money collected against only 6 month bill prior to disconnection as per regulation 10.5.

4) **Licensee in it's reply contended that**

Consumer Shri. Pribhadas Kauromal having Consumer no. 021510105190/5 was PD in July -1998. MS&EDCL announces the amnesty scheme in Nov-2016 for the old PD Consumers. Accordingly this office had issued the notices to all Consumers under PD amnesty scheme and the Consumer had approached to this office and paid the PD arrears under PD amnesty scheme by participating in scheme vide receipt No. 8588230 dtd. 21/11/2016 and availed the benefit there of granted under the scheme. The Consumer himself has acknowledged the liability of the arrears standing on the premises where he sought electricity connection and also availed the benefit under amnesty scheme. Now the consumer cannot take stopped from his act already done availing the benefits. The consumer had paid the arrears on his own volition by accepting the liability of existing arrears on the premises. The total PD arrears was Rs.77744.55 But under amnesty scheme, after deducting the interest, the Consumer had paid only 48760.00 and got the benefit of Rs.28984.84 and availed the benefit of the amnesty scheme. Hence there is no issue of refund of the paid PD arrears to the Consumer.

5) We have gone through the grievance filed by Consumer & reply filed by Licensee. We also heard argument from both sides, it is clear that the connection was P.D. since July-1998. Shri.Dilipsingh Dingnot Purchased the premises on 24/05/2017, but there was no electricity. Since then Licensee declared commercial circular no.269 dt.27/09/2016 in which amnesty scheme for P.D. Consumer 2016-2017 declared and issued notice to all P.D. Consumers to take benefit of P.D. amnesty scheme. After which only the Consumer approached Licensee and paid the P.D. bill by accepting P.D. amnesty scheme terms and conditions. Also the Consumer availed benefit of Rs.28984.84 towards interest and DPC. Consumer also sought new connection in the same premises. If at all Consumer had any grievance he could have approached Licensee/forum during the period of 24/05/2007 till final payment under amnesty scheme. But Consumer has paid the bill under amnesty scheme, Consumer himself has acknowledged the liability of the arrears standing on the premises where he sought new electricity connection and availed benefit of Rs.28984.84 Hence now Consumer has no right for claim under regulation 10.5

Hence the order.

ORDER

The Grievance application of consumer is hereby rejected.

Dated :. 03/05/2018

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

(A.P.Deshmukh)
MemberSecretary
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.*

