

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No. 13/2018

Date of Grievance : 19.03.2018

Date of Order : 23.05.2018

Hearing Date : 09.05.2018

In the matter of delay in supply and refund of excess amount recovered and breach of SOP.

Mrs.Asha Surendra Surana,
Shop No.18, Jedhe Chember,
78/80/81, Guruwarpeth,
Pune-411002

Vs.

The Executive Engineer,
M.S.E.D.C.Ltd.,
Parvati Division,
Pune.

Present during the hearing:

A] - On behalf of CGRF, Pune Zone,Pune.

- 1) Shri. A.P.Bhavathankar, Chairman, CGRF,PZ,Pune
- 2) Mrs.B.S.Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr.Anil Joshi, Member, CGRF, PZ. Pune.

B] - On behalf of Appellant

- 1) Shri. Hinendra Suresh Surana, Consumer.
- 2) Shri.Kishor Dhotre, Representative

C] - On behalf of Respondent

- 1) Shri.V.S.Nale, Addl. Ex. Engr., Swargate Sub/dn
- 2) Shri.M.S.Jagtap, AEE, Parvati Dn.

Sou.Asha S. Surana, Consumer No.170015144401/1, Category of LT-2 Commercial, 20 KW Sanctioned load 1 KW, Connected load 1 KW, date of connection 13.12.1988.

The complaint in respect of delay in supply and revision of excess amount recovered and breach of SOP. The above named consumer filed his complaint to Executive Engineer, stating that he purchased the premises for the purpose of running shop and as well as Go down by registered sale deed from Shri.J. S. Bafana under execution of sale deed dated 19.4.2001. Since then the said premises is in occupation and use of present consumer Sou.Asha S. Surana. After purchasing the said property she gave application to Respondent utility for restoration of supply to the premises which previously stands in the name of M/s.Pradeep Jedhe on dtd.24.8.2013 . The said supply was permanently disconnected and Final Reading 00022 and outstanding was Rs.1931/- till date 4.8.2016. Thereafter consumer deposited permanent disconnection arrears amount of Rs.1630/- and thereafter interest bill calculated 1290/- was also paid on 8.8.2016. After depositing the said amount consumer request to restore permanent disconnected for re- connection of supply & made application.

According to the consumer since he made application on 04.08.2016. His supply was not restored till consumer required applying for fresh connection on 16.11.2016. Consumer prayed that delay in supply cause lost to the consumer and excess amount is recovered should be refunded. The consumer also made separate application for getting copy of CPL and other relevant documents.

Initially the consumer filed the complaint before the IGRC in Form – X on dt. 22.11.2017 along with copy of deposited amount bill Rs.1630/- & Rs.1290/- and copy of bill dated July-2016, copy of License and that's receipt was also submitted. After receiving the said dispute, the IGRC issued notice to the consumer and after hearing the matter on 16.01.2018. The IGRC give findings, refuse to give benefit of P.D. Amnesty Scheme and resultant non application of SOP in the case to the consumer.

Being aggrieved by the said order the consumer filed application in Form No. A on 15.03.2018 to this Forum and claimed refund of excess amount recovered, non application of Amnesty Scheme and claimed compensation from

the salary of employee for non application of SOP and delayed by employee in restoring the supply, after filing the dispute before the Forum, the case is registered on 19.3.2018 in Case No. 13 of 2018. The office issued notice to the respondent and call for para wise reply on 18.04.2018. The respondent utility appeared and filed reply stating that the consumer informed to the utility and try to attend to restore Permanent Disconnection supply to the premises which stands in the name of M/s.Pradeep Jedhe & Association. The said supply was already permanently disconnected on 8.8.2016. As the consumer was informed the permanent disconnection disconnected supply cannot be restored as more than 6 months had lapsed and consumer is required to apply for fresh connection. Accordingly the consumer applied for fresh connection by filing application in format and execution of agreement Rs.100/- on stamp paper. The consumer deposited tax receipt of the property and after due compliance quotation demand note, possession to the consumer giving direction to deposit security deposit of Rs.1000/- and other charges amount Rs.1089/-. The consumer deposited the said charges at a time of process of new connection application. The utility found there are permanent disconnection arrears amounting to Rs.1630/- & Rs.1290/- outstanding against previous owner M/s.Pradeep Jedhe & Association. Consumer was directed to deposit the said arrears and accordingly consumer deposited the said arrears on 4.8.16 & 8.8.16 receipt of the amount paid by consumer was issued and thereafter on 16.11.2016 new connection was released. Consumer never applied for benefit for Amnesty Scheme after earlier connection was permanently disconnected on 8.8.2016. Therefore benefits of Amnesty Scheme cannot be extended to new purchaser Sou.Asha S. Surana respondent utility pray for dismissal of consumer complaint with cost.

Respondent utility filed documents copy of CPL, Copy of Form No.– A, agreement deposit receipt and other relevant documents. Consumer filed copy

of sale deed and copy of circulars of amnesty scheme existence from 2012 to 2017.

I have perused all the documents filed by consumer and the respondent utility and verified the same dtd. on 8.5.2018 opportunity of hearing was given both the parties and consumer and his representative Shri. Kishor Dhotre & Ex. Engineer, Nodal Officer, Parvati Division, Pune appeared and represent the case.

Following points arose for my consideration to which I have recorded my findings points for reason given below:

1. Whether consumer is entitled for excess recovery amount deposited of Rs 1290 & Rs 1630.
2. Whether respondent utility committed breach of SOP.
3. What relief?

Reasoning :-

It appears that present consumer Sou.Asha S Surana purchased the said property under the sale deed on 19.3.2001 admittedly connection was stands in the name of M/s.Pradeep Jedhe & Association, copy of sale deed and index is filed . It means consumer after purchasing the said property on 2.8.2001 not apply for change of name in his favour by filing regular application. The connection still stands in the name of M/s.Pradeep Jedhe & Associates. It appears that connection in the year 2016 gave application for restoration of the supply to the premises which is used on Go down. While processing the said application the utility found the said supply was made permanent disconnected on 8.4.2016 and P.D. arrears not deposited for sufficiently long period as per record produce at the time of hearing the connection was temporarily disconnected in September-2012 and it was permanently disconnected in the month of September-2013. The due arrears shown Rs.1184/- was unpaid. The attempt made by consumer to restore the P.D. supply after

laps of 6 months as per Circulars quoted by respondent utility the supply cannot be restored if it is permanently disconnected for more than 6 months. Record revealed that (copy of CPL) the supply was disconnected was temporarily disconnected in Sept. 2012 and permanently disconnected in September-2013. Therefore it is more than 6 months, the arrears calculated after date of permanent disconnection after adjustment of S.D. the payable amount informed to the consumer but interest was not calculated. Respondent utility submitted that, consumer was directed to deposit permanent disconnection arrears Rs.1630/- and interest manually calculated from the date of temporary disconnection to the permanent disconnected interest, Rs.1290/- was calculated and which was paid by consumer. Then the application of restored of permanent disconnection was verified as per Regulations. The said supply could not be restored.

Grievance raised by the consumer that he was not given the benefit of Amnesty Scheme at appropriate time. It is pertaining to know that no copy of application made either by previous owner M/s.Pradeep Jedhe & Association or present consumer Sou.Asha S.Surana for receiving of benefit of Amnesty scheme during the hearing though opportunity is given, no record filed by consumer. The question of applicability of Amnesty Scheme period is verified at the time of hearing. According to the utility firstly there was no application in writing made neither by consumer nor on the date of depositing amount by consumer at 8.8.2016. The Scheme was in existence. Therefore the question of giving benefit does not arise. The delay is caused on the part of consumer who is not followed correct procedure and try to restore permanent disconnection disconnected supply after laps of sufficient time therefore he could not be subsided in getting permanent disconnection disconnected supply to the premises. Therefore application for fresh connection was obtained and

the supply was restored on 16.11.2016. After due compliance by consumer in his circumstances there is no deliberate and intention part of delay at the hands of utility. The new supply connection was given to the consumer after he executed agreement and comply the all procedure by depositing arrears within stipulated period. I come to conclusion there is no deliberate or intention delay caused by utility in giving supply new connection to the consumer. Hence consumer complaint cannot be allowed. The recovery which was calculated as per copy of CPL, outstanding amount required to calculated firstly Rs.1630/- & Rs.1290/- which was properly explain by utility at the time hearing of the said amount is already deposited and recovered by utility. Consumer failed to convince Forum in excess amount was recovered from him.

Therefore no question of refund of any amount arise. Thereafter I come to conclusion allegation made by consumer making 2nd attempt to recovered deposited amount under Amnesty Scheme could not be succeed as once the Action of Amnesty Scheme exercised by consumer no grievance can be raised. The said process or objection according to be cannot be used for recovery of deposited amount. Hence I am not inclined to grant any relief to the consumer. Hence I proceed to pass the following order.

ORDER

1. Consumer complaint 13 of 2018 stands dismissed.
2. No order as to the cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 23rd May-2018.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree/Disagree

I agree/Disagree

I agree/Disagree

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

Sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

Sd/-
BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE