



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/E/1321/1565 of 2017-18	Date of Grievance : 11/04/2018
	Date of order : 06/06/2018
	Total days : 46

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1321/1565 OF 2017-18 IN RESPECT OF SHRI.NOOR MOHD NANHU SHAIKH, H.NO.4078/2, BUVAPADA, AMBERNATH (W), DIST.THANE. PIN CODE- 421 501. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri.Noor Mohd Nanhu Shaikh,
 H.No.4078/2, Buvapada,
 Ambernath (W), Dist.Thane,
 Pin Code- 421 501.

(Consumer No. 021520289728) (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
 Company Limited
 Through its Nodal Officer,
 MSEDCL, Kalyan Circle-II

. . . . (Hereinafter referred as Licensee)

Appearance: - For Licensee : 1) Shri.Rajesh Laddha, AEE, Ambernath (W)
 2) Smt.Sunita Mane, LDC, Ambernath (W)

For Consumer : Shri.Noor M.Shekh (CR)

[Shri A.P. Deshmukh-Member Secretary and 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 Regulations 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) The brief facts of the grievance application are :-

The Consumer had electricity connection at his residence in Ambernath from 1995. According to the Consumer he was paying the electricity bills regularly till Jan 1997. However Licensee one fine morning issued a bill for an amount of Rs.16000/- to him in the month of Feb-1997.

The Consumer requested Licensee to furnish the details and reasons for charging the said amount of Rs.16000/- in respect of the past consumption But Licensee did not furnish any information to him and on 31/12/2000 disconnected his electricity supply. According to the Consumer he was paying the bills regularly and therefore requested the Licensee to revise the bill issued in Feb-1997 and to restore the supply.

The Consumer further stated that his electricity supply has been disconnected illegally for the last 18 years. He made several complaints to the Licensee but Licensee did not heed to his request. Since his supply was disconnected Consumer went to reside at Murbad.

The Consumer further submitted that when he came to know about P.D. Amnesty Scheme he went to the office of the Licensee at Ambernath. However the Licensee handed over P.D. Amnesty Scheme 2018 bill for Rs.19577. According to the Consumer this is a inflated bill as his load is 2 fans and 2 tube light. The Consumer submitted that he is ready to pay Rs.10,000/- against Rs.19577.00.

The grievance of the Consumer is mainly of two folds. Firstly the Licensee has issued an excess amount of bill to him in Feb-1997 and illegally disconnected his electricity supply and secondly Consumer wants new connection in his premises.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/145 dt.11/04/2018 to which Licensee appeared and filed reply on date 24/04/2018.

4) Licensee stated that the last payment made by the Consumer according to their record was in 1997 after that from 14/02/1997 to 31/12/2000 Consumer has not paid the bills. Licensee also stated that Consumer has not made any complaint before 2000 (after 2000 also). According to the Licensee they have issued two bills to the Consumer under amnesty scheme but Consumer did not avail the scheme.

Licensee further submitted that if the Consumer would have paid the amount under amnesty scheme he would have been given new connection, to him on the premises of house No.4078/2.

Licensee also submitted that as the Consumer did not pay the amount of bill from 14/02/1997 to 31/12/2000, his electricity supply was disconnected. Along with the submission Licensee has filed a statement showing how the arrears are worked out. These arrears are for the period from 14/02/1997 to 31/12/2000. Supply was disconnected without any notice.

Licensee therefore requested to dismiss the grievance application of the Consumer.

5) We have gone through the arguments by both the parties and the record kept before us. Consumer has not produced the disputed bill of Feb-1997. Even Licensee failed to produce the CPL of the years from 1995 to 1997. However record shows that Consumer is P.D. since 2000. It is also an admitted fact that Licensee vide its Circular No.293 dtd.13/09/2017 had prepared a scheme for collecting the revenue/arrears. We would like to mention here that the Licensee have introduced an Amnesty Scheme in 2018 for P.D. Consumer, to recover the arrears. in installments by waiving off interest and DPC. This enables the Consumer to pay the arrears in installments and can get P.D. connection revived. At the same time Licensee will also be able to recover the arrears/revenue so that both the parties will be benefited.

Record shows that this scheme was introduced by Licensee in 2017 and accordingly Licensee had asked the Consumer by its letter dtd.03/01/2018 to pay his arrears by paying 5 installments (Rs.3920 per months) In the same letter Licensee had also assured the Consumer that his supply will be reconnected in the same premises in his name if the Consumer will pay these installments. (Rs.3920 x 5 months). This scheme was in existence when Consumer approached IGRC on 07/11/2017. Record shows that his grievance was not heard by Licensee/IGRC. No order has been passed by IGRC. Hence we are of the opinion that Consumer is still entitled for this scheme and should not be deprived from his right and opportunity be given to him to avail this Residential and Agriculture Amnesty Scheme 2018 dtd.13/09/2017.

6) Taking into consideration the above letter dtd.03/01/2018 we are of the opinion that the Licensee should consider the above sanctioned Amnesty Scheme 2018 and made it applicable to the Consumer. Moreover no where Licensee has mentioned in writing that this scheme is lapsed nor Licensee gave any justification/details about the past consumption of the consumer (i.e. From the date of connection). Hence we assume that the said scheme is still in existence and Consumer can avail the benefit of this scheme. Hence we pass the following order.

Hence the order.

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee to recover the principal amount as on date of T.D. after adjustment of SD in equal 5 monthly instalments.
- 3) On receipt of the first instalment and new connection charges, Licensee is directed to reconnect the supply of the Consumer.
- 4) Consumer is directed to pay the balance 4 instalments along with subsequent monthly current.
- 5) Licensee to waive of all the interest and DPC charges after recovery of full principal amount.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 06/06/2018

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

(A.P.Deshmukh)
Member Secretary
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.*

