



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1466/1721 OF 2017-18

Date of registration : 28/09/2018

Date of order : 17/10/2018

Total days : 20

IN THE MATTER OF GRIEVANCE NO. K/E/1466/1721 OF 2017-18 OF SMT.NIRMALA H.RAJWANI, SHOP NEAR, B.K.NO.521, ULHASNAGAR-2, DIST-THANE, PIN CODE- 421 002 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Smt.Nirmala H.Rajwani,
Shop Near, B.K.No.521,
Ulhasnagar-2, Dist-Thane,
Pin Code- 421 002

(Consumer No. 021518863476) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Through it's Nodal Officer/Addl.EE.

Kalyan Circle-II, Kalyan . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri. M.S.Gavali, AEE, Ulhasnagar-II 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 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) A prospective Consumer Smt.Nirmala H.Rajwani has filed this grievance. She applied for fresh electricity connection for her premises near B.K.No.521 Sona Market, Ulhasnagar-2, Dist-Thane, Pin Code- 421 002. The Distribution Licensee officer gave her Permanent Disconnection bill of an old connection in the name of Sunil Rajwani which was obtained by him for public Ganapati function. The arrears were Rs.8085/- Distribution Licensee officers asked to pay the same if she wants new connection. The said connection was Permanent Disconnection in 2014.
- 3) Consumer submits that even the final bill on the said connection. The connection was RNA. No progressive reading bill was given at all to the consumer of the said connection. The connection was made Permanent Disconnection in 2014. No recovery was made within two years from that consumer and now the bill was demanded from present applicant illegally. There was no provision basically to grant such temporary connection for public function without proof of premises. This way the permanent disconnection amount was recovered by holding the applicant to ransom.
- 4) Consumer therefore prayed for refund of the said amount with interest and for compensation and also strict action against the defaulting officers.
- 5) Distribution Licensee in reply contends that complaints Smt.Nirmala H.Rajwani applied for new connection. On Sunil Rajwani had been given connection bearing Consumer no. 021518863476 on the same address which was made Permanent Disconnection in Jan-2014. At that time Permanent Disconnection bill of Rs.1150/- was given to that consumer which was not paid.
- 6) The Section Engineer did not grant fresh connection to present applicant because of the provision Permanent Disconnection bill pending. Section Engineer made site inspection and made a report on which a final bill of Rs.2130/- was tendered to the present complainant. Thereafter the connection was released to the complainant.
- 7) We have heard both sides. There are two things brought to our notice mainly. One is that the description of the premises as shown by present complainant is B.K.No.521 Sona Market, Ulhasnagar-2 where as that of earlier connection of Sunil Rajwani was near A-1 Dairy B.K.No,523 thus the description is totally different. Further admittedly the previous connection was given temporarily for Ganesh festival. How could it be given? How could an individual viz. the complainant will be liable to pay the arrears from such connection? Distribution Licensee representative was unable to satisfy both the queries. There is no need to further dilate.

8) Complainant is entitled to refund of the amount paid by her with interest at bank rate as per section 62.6 of IE Act 2003.

9) So far as SOP is concerned as per SOP Regulation 12.2 consumer has not filed his claim with Licensee within sixty days from date of connection (i.e.23/05/2018) hence he is not entitled for SOP compensation.

Hence the Order

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) Distribution Licensee to refund the amount of Rs.2130/- to consumer along with interest at Bank rate. From the date of payment bill realization by consumer.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 17/10/2018

(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.