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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/119/993 Date:13.02.2019

Hearing Date: 27.08.2018

CASE NO.119/2018

Mr. Mohd. Azam Abdul Jabbar,
H. No. 1438, Nagaon II,
Nr. Safiya Girl High School,
Kalyan Road,Bhiwandi-421302.

(CONSUMER NO.13012275999)

. . . . (Hereinafter referred as Applicant)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
TPL, Bhiwandi

. . . . (Hereinafter referred as Respondent)

Appearance : For Respondent

Mrs. Hemangi Mayekar, Assist. Manager, TPL

For Consumer – Shri. Sajid Ansari Consumer Representative
Adil Punjabi

[Coram- Dr. Satishkumar Jaiswal - Chairperson, Shri. R.S.Avhad -Member Secretary and Sharmila Ranade - Member (CPO)].

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 subsection 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] Here in after 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.

This application is filed by Mohamed Azam Abdul Jubber he has grievance that his connection number 13012275999 was disconnected on 10.05.2018 without any notice and his other connection 13012072176 under use and regularly paying its bill.

The applicant further submits that the utility Company M/s TPL has instructed him to pay the arrears of bill of five meter connection recorded in the name of brother of complainant otherwise they will not start the connection of complainant, he further submit that he has given reply on date 15.02.2018 to the Respondent but they have unlawfully disconnect without following procedure section 56(2) of Indian Electricity Act 2003. Therefore action may be taken against them as per section 142 & 144.

He further submit that he use to pay labour charges Rs. 8600/- per day, (for candy wall 300/-, Bigari 200/-, Mukhdam 500/- per day as such he has to pay 4700/- per day, therefore for 10 days he has suffered loss and damages of 47000/-

The Respondent has filed the reply on date 12.06.2018, contending that the complaint is false not maintainable in law. The Respondent further submits that complainant has only grievance regarding disconnection of power supply and

removal electricity meter. However arrears of electricity connection are not challenged by complainant. Complainant is not coming before the Court with clean hand.

The Respondent further submits that the applicant having meter connection 13012275999 is having outstanding dues 50290/- till date. The service was having due date for payment of dues 24.04.2018. Hence notice for non payment was issued on 25.04.2018 and accordingly disconnection was done 11.05.2018 and followed the due procedure.

The Respondent further submits as per Regulation 6.2 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006, Regulation 6.2 “A consumer with a Grievance may intimate the IGR Cell of such Grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rules and procedures for redressal of Grievances”.

&

1.4“Unless a shorter period is provided in the Act, in the event that a consumer is not satisfied with the remedy provided by the IGR Cell to his Grievance within a period of two (2) months from the date of intimation or where no remedy has been provided within such period, the consumer may submit the Grievance to the Forum. The Distribution Licensee shall, within the said period of two (2) months, send a written reply to the consumer stating the action it has taken or proposes to take for redressing the Grievance.”

The complaint has to go before IGRC therefore this compliant may be rejected.

The Respondent further submits that the say of complaint TPL have given the letter of clubbing two meter dtd. 15.07.2018. Apart from this service there is another service with same purpose release in the same premise house No. 1656 having

service number 13012349666 which was disconnected on 19.05.2018 due to outstanding arrears Rs. 563,440/-.

The Respondent further submitted that during their visit it was observed by them that electricity supply was extended from other service no 13012275999.

Therefore complaint is false and deserved to dismiss.

On hearing both sides at length and on going through records, It appear that the electricity bill connection in the name applicant Moh. Zuber Abdul Jabbar Ansari is one connection being consumer no. 13012275999

It also admitted fact to complainant that 13112072176 is recorded in the name of Moh. Zuber Abdul Jubberr Ansari i.e. complainants service no 13012275999 record in the name of Mohmand Abdul Jabber Ansari in house No.1438 Nagar. He is real brother of complainant service 13012275999 and the Respondent has submitted that letter issued for clubbing two services in same premises H.N 1656 in name Zubair A J Anasari (Sr.No 13012072126) and Abu Shama AB JABBAR Sr. No 13012349666). The service no 13012349666 was disconnected on 29.05.2017. The Respondent also state that during visit service no 13012349666 which disconnect the supply extended from 13012275999 .Accordingly the same was intimate and notice issued to the concerned?

The Respondent further submitted they come to know that other three connection service no 13012072176, 13010691138 and 13010709096 are there.

The electricity connection/or service 13010691138, 13010709096, 13010709100 H.No. 1438 also disconnected due to non payment of bills and load of both service 13010691138 and 13010709096 directed to service 13012072176. Therefore, complaint is liable to clear all outstanding dues. Both the properties and meter connection of their joint ownership and they are liable to pay the electricity bill of both connections. Accordingly the affidavit filed by complaint dated 19.05.2018, as

per the reply of utility TPL submitted that there are other connection service No. 13010691138 & 13010179096. However they have failed to show these connection are in the property of complainant and also failed to show whether outstanding bill against their two connection liable to paid by complainant. The Respondent fails to prove any lawful connection between the complaint and dues against service no 13010691138, 13010179096 and 1301079100.

MERC Regulation 6.2 &6.4 not applicable in this case because applicant filed application against the disconnection which lawful. Also as per GPR-Com/Accts/No/9021 date 06.07.2017 point no 4,5,&6 complainant not liable to pay the arrears of consumer no 13010691138 & 13010179096& 130106911 as they are not legal successor or there is no legal liability. Hence it is held that the complainant is liable to pay the arrears of only two service connection i.e. 13012275999 & 13012072176.The Respondent shall beat liberty to take action as per due procedure in law Hence, I proceed to pass following order.

ORDER

1. The application partly allowed.
2. The complaint applicant is entitled to pay all the arrears of two service connection 13012275999 & 13012072176.
3. The Respondent cannot recover any arrears from complaint pertaining to service No. 13010691138 and 13010709096& 130106911.
4. The Respondent shall prepare bill accordingly within one month from receipt of order.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.