
REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/122/1087

Date:06.03.2019

Hearing Date:26.06.2018

CASE NO.122/2018

In the matter of billing

M/s. Nilgiri Gardens CHS.Ltd.,
Sector-24,Uran Road,
C.B.D. Belapur,
Navi Mumbai-400614.(CONSUMER NO.00031330495)
. . . . (Hereinafter referred as Consumer)

Vs

Maharashtra state Electricity Distribution Company Ltd
Through it's Nodal Officer,
Vashi Circle, Vashi
..... (Herein after referred as Respondent)

Appearance:-

For Consumer —Mr. Consumer Representative

For Licensee:- Shri., V.M. Sonkusare Additional Executive Engineer,
Koperkhairne Sub Division

[Coram- Dr.SantoshkumarJaiswal-Chairperson, Shri. R.S.Avhad-Member Secretary
andSharmilaRanade- 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 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.

2. This application is filed by M/s. Nilgiri Gardens CHS. Ltd.,Sector-24,Uran Road,C.B.D. Belapur, Navi Mumbai alleging that his consumer complaint No. 657 of 2015 is allowed and the Respondent utility directed to calculate accumulated recovery against the consumer since January, 2014 (Only for 24 months). No interest and penalty should be claimed by the utility. The earlier demand bill and disconnection notice quashed and set aside. The copy of judgment dated 17.June 2016 is submitted herewith the utility issued a letter in writing 2nd September 2016 to pay the arrears in six equal instalments of total amount of Rs. 9, 53,810/- . The Complainant has paid in advance Rs. 5, 00,000/- prior to filling of complaint i.e. on 02.03.2016 and other EMI Rs. 75,635/- in 7 instalments paid from 11.09.2016 to 10.02.2017.

3. However, it was utter shock and surprise to us when bill for the month of October,2017 was showing an amount of Rs. 20,87,217.12/- as arrears payable by us. The amount is seen increase to Rs. 21,14,441.90/- during November 2017 , Rs. 21,14,452/- during December 2017, Rs. 21,16,792.99/- during January 2018 and to Rs. 22,30,527.61/- during February 2018. The applicant submit that they visited to the office of the Addl. Executive Engineer, MSEDCL, CBD Belapur Sub –Division

for deleting arrears shown in current bills. However, officer concerned informed us that since the MSEDCL file Writ Petition in High Court, the dues would remain as it is. We have verified from online record of High Court regarding your Writ Petition, which shows that no such order was passed by the Hon'ble High Court.

4. Thus, it is crystal clear that the Addl. Executive Engineer, MSEDCL, CBD Belapur Sub- Division is arbitrarily and in complete breach an violation of judgment and order dated 17th June 2016 passed by the CGRF, Bhandup showing the amount of dues payable by us for over and above 24 months period.

5. Therefore, we have made complaint with the office of Executive Engineer, Nerul Division and Addl. Executive Engineer, CBD, Sub Division and requested them to remove the arrears as shown, in our monthly Electricity bills However, they have not responded to our complaint till date.

6. Thereafter, on 16.04.2018 we have represented the matter to the Executive Engineer, Internal CGRF, Zonal Office, MSEDCL, and Vashi with a request to direct the Executive Engineer, MSEDCL Ltd Nerual Division and Addl. Executive Enginner,MSEDCL Ltd., CBD Belapur Sub- Division not to show the arrears due and payable from us unless there is order from the Hon'ble High Court. However, they have also not responded to our complaint till date.

7. The Applicant/Complainant prayed to instruct the concerned MESDCL Official not to show the arrears due and payable by us unless there is order form the Hon'ble High Court and do justice in the matter.

8. The utility his filed its parawise reply dtd. 21.06.2018and say that we have sought legal opinion against the CGRF order in case 657 dtd. 17.06.2016 regarding loss of company of Rs. 15,31,520/- due to order passed by CGRF. The Legal Advisor issued legal opinion and advised us to challenge this matter before the Hon'ble High Court. According to the legal opinion we have already intimated to M/s. Nilgiri Garden that

MSEDCL has decided to appeal before the Hon'ble High Court against case no. 657/dt. 17.06.2016 and proposal already send by Division Office, Nerul to Shri. Adv. Rahul Sinha, DSK Legal & Solicitor to file appeal before the Hon'ble High Court, Mumbai.

9. I heard both sides and gone through documents, it appears that the Respondent stated that they have filed the case before the Hon'ble High Court but no case number or no any order filed placed by the utility before Forum in this case. It is therefore cleared that the order pass by CGRF earlier is still unchallenged. Therefore the Respondent utility directed to act upon the order of CGRF passed in case NO.657/2015 order dtd. 17.06.2016 and needless to say that it is always subject to verification of order of Hon'ble High Court. Hence, I pass following order.

ORDER

1. This application in Case No.122/2018 is partly allowed.
2. The Respondent utility hereby directed the act as per the order of CGRF, Bhandup in case No. 657/2015 dtd. 17/06/2016 subject to the judgment and order passed by High Court in future if any.

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, 13thfloor,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.