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

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 244/0038      Date:30.04.2019

**Hearing Date: 05.02.2019**

CASE NO.244/2018

In the matter of billing

M/s. Commissioner B.N.C.Nagar Palika,  
Parshran Taware Stadium,  
Dhobi Talav Swimming Pool,  
Bhiwandi-421302.      . . . . (Hereinafter referred as Consumer)

Vs

M/s Torrent power Ltd  
Bhiwandi  
..... (Herein after referred as Respondent)

**Appearance:-**

For Consumer – – Shakeel Ansari      Consumer Representative  
For Licensee:-      P.G.Chetwani  
                                 Mahesh Ghagare  
                                 Hemangi Mayker

[Coram- Dr. Santoshkumar 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 complaint is filed by Rehan Anis Anasari sportive Fitness Center Bhiwandi alleged that the supply of the said premises disconnected without notice by M/s TPL. The complaint further submit that he has made application dated 05/05/2015 to M/s TPL about wrong recovery but till date no response. He further submit that second application dated 13/12/2016 made to M/s Torrent power Ltd but no response and alleged that wrong inspection report and wrong reading bill had issued to him for the period June 2013 to Sep 2014. He prayed meter is to be treated as defective meter and faulty and as per MERC Electricity supply code and other condition of supply regulation 2005 clause 15.4

The notice issued to the respondent M/s TPL to submit parawise replay and to appear before forum. The respondent submit that as per Regulation 6 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations; 2006 provided as under

Regulation 6

*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".*

*6.4 "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 respondent M/s TPL representative submit that the complainant can approach the Forum only after a period of 60 days from the date of application with the IGRC as per the regulation 6.4 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006. Further stated that, complainant have not followed regulation incorporated for grievance Redressal mechanism. Complainant in fact has to approach the Internal Consumer Grievance Redressal Cell, established under Electricity Act, 2003. That, by filing this complaint, the complainant has attempted bypass the provision of the Regulation 2005, which is not permissible at law. The complainant had a remedy to challenge his grievance before IGRC but complainant has no avail, and direct filed his grievance before this Forum. Hence this Forum has no jurisdiction to entertain this complaint and passing of order/s. However based on the said ground it is requested to the Forum to dismiss the grievance .

The Respondent further submit that for the service number mentioned in the complaint it is observed that the consumer is having the outstanding dues of Rs 20,57,770/- till date and have last paid the energy dues on 24/11/2016.

As per the section 56 of Electricity Act, 2003 the notice for non payment of bills was served on 17/09/2018, 15/10/2018 and 15/11/2018 respectively. As per the

notice served the service was disconnected on 05/12/2018 for non payment of energy dues.

The Respondent submit that they were in receipt of the letter from BNCCMC dated 03/12/2018 mentioning that they have received the disconnection notice for service no. 913015292259, however the energy bills are to be paid by the Sports Fitness Centre and they are not responsible for the same. In addition to this an intimation letter was sent to BNCCMC vide letter number TPL/Z-1/12-18/5406 dated 07/12/2018.

The consumer is having case of theft of electricity vide Sec 135 of EA, 2003 dated 15.04.2014 and the same is not yet settled.

Further, it is to be noted that as per Clause no 6.8 of MERC, CGRF regulations, 2006:

*"If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:*

- a. unauthorized use of electricity as provided under section 126 of the Act;*
- b. offences and penalties as provided under sections 135 to 139 of the Act;*
- c. accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and*
- d. Recovery of arrears where the bill amount is not disputed. "*

The above facts clearly show the intention of consumer is misleading the Forum. Thus nothing ought to be granted against the utility. It is requested dismiss the said grievance.

On Various date, I gave opportunity to the consumer and his representative and also representative of M/s TPL present. The Forum heard details grievance of consumer and representative also perused document relied and filed by consumer and also considered the document filed respondent utility and the copy of judgment and order. I have given opportunity to the consumer and his

representative and representative of respondent heard the dispute and objection raised point wise.

The applicant approached to this forum for interim order against disconnection of power supply under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006 clause 6.5 which read as "Notwithstanding Regulation 6.4, a Grievance may be entertained before the expiry of the period specified therein, if the consumer satisfies the Forum that prima facie the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made there under or any order of the Commission, provided that, the Forum or Ombudsman, as the case may be, has jurisdiction on such matters.

Provided further that no such Grievance shall be entertained, before the expiry of the period specified in Regulation 6.4, unless the Forum records its reasons for the same". Forum heard the both parties on date 18.12.2018 it is observed that the applicant running swing pool and Jim of Municipal Corporation Bhiwandi .During the hearing it is observed that notice serve on the name of Commissioner B.N.C Nagar palika. The applicant said that he was not received disconnection notice and also submitted that earlier dispute with respondent which was ended in compromise before IGRC and arrears amount adjusted in bill. Looking to the circumstances and the connection of Public utility the forum passed the interim order to reconnect the supply after advance billing payment deposit 6, 00,000/- by applicant.

During the next subsequent hearing the consumer representative submit that the connection bearing service no 913015292259 stands in the Commissioner BMC. They have taken premises in lease for thirty years from BMC and state that the BMC had sent bill of M/s TPL in November 2016 of rupees Rs 5,14,000/- and paid immediately. The applicant state that on date 3/11/2018 he

received bill of M/s TPL of amounting Rs 17,92,000/- and without notice M/s TPL disconnected the power supply on 4/12/2018. The applicant argued that his connection meter was faulty in period of June 2013 and Sept 2014 and was billed wrongly. On other hand representative of M/s TPL stated that the billing of the consumer is done as per the meter readings available from time to time . The meter of the consumer was replaced on 30/05/2013 as the meter was burnt. Further state the meter was found faulty in the month of June 2014 but due to consumer objection the same was replaced on 06/12/2014 and the applicant has approached for the settlement of energy dues in the month of November 2016 and has agreed for the payment and paid entire energy bill except vigilance dues amounting to Rs 514307/- on 24/11/2016. The respondent argued that on date 15/10/2018 and 15/11/2008 notice under section 56 of electricity Act,2003 due to non payment of bill was served and accordingly due to non payment supply disconnected on 05/12/2018.

In this matter various date given due to the application of the applicant before forum he is under medical treatment and demanding documents from M/s TPL to pledge his case. We heard the both parties at length and gone through the record placed before forum. It is found that the applicant disputed the bill issued to him amounting Rs 17, 92,000/- alleging that the meter was faulty in the period of June 2013 and Sept 2014 and M/s TPL issued wrong bill issued to him. The applicant himself admitted that he received electricity bill of November 2016 M/s TPL through electricity department BMC and paid immediately. From the record it found that the applicant not disputed bill at that time. The matter disputed by the applicant is of years 2013-2014 and he raised after lapse of 5 years. As per "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006 clause 6.6 *"The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen"*. In this case the disputed period of billing/faulty meter is in year 2013-2014 clearly

shows time barred. Hence no merit in consumer grievance. The Judgement delayed due to the reason mention above and Hence, I proceed to pass following order.

ORDER

The application 244 of 2018 is hereby dismissed.

The interim order dated 18/12/2018 stands withdrawn.

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, 13<sup>th</sup> 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.