



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/134/1927 of 2019-20

Date of registration : 25/07/2019

Date of order : 28/08/2019

Total days : 34

IN THE MATTER OF GRIEVANCE NO. K/DOS/134/1927 OF 2019-20 OF M/S SONU CONSTRUCTION & ENGINEERS L.L.P, S.NO.55-2/2 A, B & C, VILLAGE GATES KHURDA, TAL-WADA, DIST. PALGHAR, PIN CODE – 421 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

M/S Sonu Construction & Engineers L.L.P,

S.No.55-2/2 A, B & C,

Village Gates Khurda, Tal- Wada,

Dist. Palghar, Pin Code – 421 303

(Consumer No. 010990001257)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited

Throughit's Nodal Officer/Addl.EE.

Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) K.K.Nirgude, LDC, Wada S/dn.

2) Shri.K.L. Govari, LDC, Wada S/dn.

For Consumer - Shri.Vasant K.Vaze (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 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 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) Consumer herein is one M/S Sonu Constructions & Engineers L.L.P having consumer no. 010990001257 LT-I. Grievance is that in bill for the month of Dec-2018 all of sudden MSEDCL raised debit of Rs. 837711.80 in the bill. Consumer made representations to MSEDCL. They provided with an inspection report and informed the consumer that it is a case of in MF-2.

3) Consumer further states that as they received a notice of disconnection they made a part payment of Rs.50,000/-

4) Consumer contends that the notice was not given effect to till 23/07/2019 hence the notice became null and void. Consumer went on paying current bills upto May-2019 online. Consumer then on 04/07/2019 approached MSEDCL with DD for Rs.30,000/- as part payment which they refused to accept. MSEDCL also refused to accept current bill and further representations of the consumer. Consumer was asked to pay Rs.400,000/- and on non payment thereof supply was disconnected without notice under section 56 (2) IE Act on 24/07/2019.

5) Consumer prays that the recovery be quashed. Supply be restored. In the alternative restrict the recovery for two years.

6) Distribution Licensee in reply contends that the Jr. Engineer (In charge) Wada Rural Section on 15/08/2010 made spot inspection of consumer premises and reported that consumer was connected with CT rated 200/5 and meter had capacity 100/5. So the calculation of MF must be 2. But the consumer was billed MF 1.

7) Distribution Licensee further contends that as per CPL verification consumer's meter was changed in the month of August-2015. So the bill issued to the consumer for MF recovery from August-2015 till the date of inspection as recorded consumption i.e. 37 months (as per spot inspection report dated 15/08/2018). The consumer was requested to pay so as to avoid disconnection he bill but consumer failed to pay the bill.

8) We have heard both sides. During hearing Consumer Representative Mr.Vaze made two main points. He wanted to confirm at site the MF issue. Accordingly instructions were given to Distribution Licensee representative and the reports have been received.

9) The second point raised is with respect to limitation. Now admittedly the arrears are calculated for a period of 37 month and as per section 56 (2) recovery is permissible only for 24 months since the date of bill. That being so recovery is permissible only for a period of 24 months since prior to date of bill.

10) So far as allegation of disconnection of supply without notice is concerned, in fact a notice was issued but consumer tries to say that it got nullified. I do not see any substance in the said proposition. It cannot therefore be said that supply was disconnected without notice.

11) In the above view of the matter following order is passed.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Impugned bill is partly quashed.
- 3) MSEDCL to issue revised bill for a period of 24 months since prior to the date of bills. No interest no DPC.
- 4) Consumer is granted 24 monthly installments and first adjust the amount already paid towards installments and then start the further installments
- 5) Compliance is made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 28/08/2019

(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, KeshavBldg, BandraKurla 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.