

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., Bhandup Urban Zone, Bhandup**

Case No. 282/2018

Date of Grievance: 07.02.2019

Date of Hearing : 13.06.2019

Date of Order: **EE/CGRF/BUZ/468 dtd.26.11.19**

In the matter of billing

Mr. Noori Shafi Patel,
R/at Arjuligaon, Post- Padgha,
Tal. Bhiwandi-421302.
(Consumer No. 14480441045)

VS

The Executive Engineer, ----- Respondent
M.S.E.D.C.Ltd.,
Bhiwandi Circle,
Bhiwandi.

Quorum:

1. Dr. Santoshkumar Jaiswal, Chairman.
2. Shri. Mr. Ravindra Avhad, Member Secretary.
3. Mrs. Sharmila Ranade, Member.

Present during the hearing:-

A] - On behalf of Appellant

Mrs. Noori Shafi Patel- Consumer

B] - On behalf of Respondent

1. Mr. Prakash Chetwani- Member, TPL.
 2. Mrs. Hemangi Mayekar Assist. Gm, TPL
 3. Mr. Satish Dhope, Addl. EE, MSEDCL, Bhiwandi
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'.

2. The applicant put up her grievance that the meter of her father in law was faulty since Oct. 2002 to January 2007. Further it is complained that M/s. TPL have disconnected the supply and removed the meter without any prior notice or intimation. It is further complained that M/s. TPL made case of theft on this service through their vigilance I December 2016 without any lawful procedure.
3. The responded filed his reply on 25.04.2019. The applicant has not approached this office for bill dispute till date. The present MSEDCL arrears are to the tune of Rs. 10,200/-. The service no. 14480441045 is in name of Applicant's father in law Nadir Shah Azim Patel, now deceased.

It is brought to the notice of Hon'ble Forum that the MSEDCL arrears in Bhiwandi Distribution Franchisee area is up to the year billing the consumers and MSEDCL has continuously shown the MSEDCL arrears as recoverable dues on the monthly bills of the consumer as per section 56(2) of Indian Electricity Act 2003 to maintain the claim of MSEDCL on the arrears. Whereas the daughter –in-Law of the deceased consumer on another side has preferred to appeal after a lapse of 12 years which is beyond the permissible period of limitation as per MERC Regulation.

This is beyond the zone of consideration as the application is grossly barred by the delay as per MERC Regulation 6.6 of MERC read as under

MERC (CGRF and EO) Regulations 2006 which speaks as 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 application, the petitioner has not mentioned any reason for delay caused in filing this grievance, and not filed application for condonation of delay is clear abuse of MERC Regulation 2004. This application is time barred by limitation hence the same is requested to be dismissed.

4. The company would like to state that as per Regulation 6.2 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations; 2006 provided as under

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".

In this regard, the complainant can approach the Hon'ble 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 Hon'ble Forum. Hence this Hon'ble Forum has no jurisdiction to entertain this complaint and passing of order/s. However based on the said ground it is requested to the Hon'ble Forum to dismiss the grievance in to.

After the takeover by Torrent Power Limited, the meter of the applicant was attempted to be changed but the applicant didn't allow for the same. Further several times the meter of the applicant was tried to be changed but every time applicant denied changing the meter. The applicant had always paid the bills at the offline centers and has never approached the customer care center.

The applicants meter was removed under Sec 138 (B) on 09.07.2016. Further the consumer was using direct power from nearest LT network pole SZ/P/92/385. Accordingly the case was also booked for Sec 135 of EA, 2003 on 13.12.2016 and the same was settled on 14.01.2019 after payment of the necessary assessment amount. The applicant has duely signed the consent letter before the payment of the assessment amount.

Further, it is observed that the applicant was regularly paying the bills to Torrent power Limited. The outstanding arrears for the service till date are Rs. 10241/- against MSEDCL dues. Please note that the applicant have approached MSEDCL office for settlement of MSEDCL dues and have paid the first installment of Rs 9000/- on 09.01.2019. The applicant missed the second installment on 16.02.2019.

As per section 19 of Central Electricity Authority (Metering Regulation) 2006, it is clearly stated as, *"In addition to any meter which may be placed for recording the electricity consumed by the consumer, the licensee may connect additional meters, maximum demand indicator or other apparatus as he may think fit for the purposes of ascertaining or regulating either the quantity of electricity supplied to the consumer, or the number of hours during which the supply is given, or the rate per unit of time at which energy is supplied to the consumer, or any other quantity or time connected with the supply to consumer"*.

The applicant has applied for new connection on the same premises vide service number 14486471710 as the old service was Permanently Disconnected.

5. We heard both sides, and gone through the contents of the applicant and reply dated. 25.04.2019. It is submitted by utility that MSEDCL was in arrears in Rs. 10,200/- from the same premises and in the name of this is Father-in-Law of the applicant named Mr. Nadir Shah Azim Patel bearing service connection No. 14480441045. It is submitted from the utility that the release of new service connection to the applicant, who claims to be Legal heir of the deceased consumer has to first clear dues on the premises. It appears clearly that, there was arrears of Rs. 10,200/- in the name of Father-in-Law of the consumer was PD connection No. 14480441045 and the amount balance is of MSEDCL and not of TPL. However, it appears to the Forum that Rs. 10,200/- is balance of earlier connection. But at the same time his security deposit also balance. The applicant bill legal heir and claim new connection in the same premises is required to be exempted from penalty of DP charges on the interest of the electricity connection of consumer Father-in-Law.

Therefore utility hereby directed to deduct the amount of security deposit along with interest from his amount of arrears of Rs. 10,200/- and also to deduct the amount of interest or PD charges etc. settle on the deceased Mr. Nadir Shah Azim Patel and the remaining amount is only taken from applicant and issue the new connection. Hence, we proceed to pass the following order:

ORDER

1. This application is hereby partly allowed.
2. The respondent utility directed to issue the new connection to the

applicant on payment of necessary amount of arrears which as stated in above order by deducting the security deposit, interest, penalty, and other extra charges and issue the new connection within a month.

3. No order as to the cost.
4. The Licensee is directed to report the compliance within one month from the date of this order.

I Agree/Disagree

I Agree/Disagree

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

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

**MR. RAVINDRA 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.