

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

Case No. 277/2018

Date of Grievance: 25.01.2018

Date of Hearing : 30.4.2019

Date of Order: **EE/CGRF/BUZ/464** dtd. 26.11.19

In the matter of disconnection

Smt. Rashmi Kishor Kukreja,

H.No.600D, Gala No.16,

Bldg No.1st floor,

Rajeshree compound sonale,

Tal.Bhiwandi-421302.

(CONSUMER NO.14365987468)

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

Mr. J.S.Rajput - Consumer Representative

B] - On behalf of Respondent

Mr. Prakash Chetwani- Member, TPL.

Mrs. Hemangi Mayekar, Assist. Gm, TPL

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's representative had requested for reconnection of the service 14365987468. The service was disconnected on 15.11.2018 without any prior notice as stated by the applicant. The applicant claims that the services were unofficially removed by the utility even after there are no outstanding dues for the service and as per Rules and Regulations of MERC. Further he learnt that the service was disconnected for MPCB, but as per the consumer the premises is vacant and no such activity is carried out at present.

The company totally relies on the order passed by the IGRC dated 14.03.2019 vide order No IGRC/TPL/BWD/10. We request Hon'ble Forum to refer to the above mentioned order as and when required. The Copy of the same is attached for your reference.

The company have received a letter from Maharashtra Pollution Control Board Regional Office, Kalyan vide letter number MPCB/SRO/Bhiwandi/ROK/CD/537 dated 08.06.2018 for disconnecting the supply as the applicant was using the electricity for the purpose of Jeans washing. The Copy of the same is attached for your reference.

The notice was issued to the applicant by hand delivery on 23.06.2018 vide number TPL/Z-2/06-18/119 but the applicant refused to accept and sign the notice. It was intimated to the applicant to submit the NOC or clearance letter from MPCB in order to avoid the disconnection failing which his service is liable for immediate disconnection.

Further, the service was disconnected on 15.11.2018 and the same was intimated to MPCB vide letter TPL/Z-2/11-18/344 dated 15.11.2018 and to the applicant vide letter number TPL/Z-2/11-18/348 dated 21.11.2018. The copy of the same is attached for your reference.

As per the Section 17.9 of MERC Condition of Supply, 2005 'Notwithstanding anything contained in these Conditions of Supply or in the agreement executed by the consumer with the MSEDCL, the supply of electricity to the consumer under the said agreement of power supply shall be liable to be curtailed or staggered or cut off altogether, as may be ordered by the

Commission or the Government, under any Law in force or any enactment, as amended from time to time, governing the supply & use of electricity and the Rules & Regulations for the time being in the force'. Hence the disconnection of the service was purely done based on the instructions received from MPCB.

The utility have written an email for seeking clarification on reconnection of the said services to MPCB. They have replied stating that "After obtaining the conditional restart /reconnection order from Head Office of MPC Board only request of reconnection of power supply may be considered."

Thus nothing ought to be granted against the utility. It is respectfully requested to your Hon'ble Forum to kindly dismiss the said grievance as the reconnection of the service is only possible after NOC submitted from MPCB.

Please note that the consumer has already approached IGRC on 23.01.2019. The case will be scheduled for Hearing in IGRC Forum.

Further as per the regulation 6.7 (d) "The Forum shall not entertain a Grievance where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority. "

Hence, we request Hon'ble Forum to dismiss the case on the same grounds and advise us for further course of action in this matter.

3. We have perused application and reply filed by utility. We have gone through the utility letter issued by MPCB Control Board dated 25.02.2018 and 08.06.2018 filed on record. It clearly shows that the Executive Engineer Torrent Power was directed was disconnect their electricity supply of this applicant specifically and it clearly shows that the utility has followed his direction done the needful. Hence we found there is no discrepancy in order of IGRC dtd.12.03.2019. Hence, we found that the utility has rightly disconnected the electricity connection of the applicant to the direction of MPCB, SRO, Kalyan. Hence we proceed to pass following order.

ORDER

This application is hereby dismissed.

No order as to cost.

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.