

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

Case No. 289/2018

Date of Grievance: 11.03.2019

Date of Hearing : 26.03.2019

Date of Order: **EE/CGRF/BUZ/510 dtd.10.12.19**

In the matter of New Connection

Mrs. Padma Venkaiah Adicharla,

H.No.1498,Sainath Ltd.complex,

Opp. Ashra Hotel, Mithpada,

Khoni, Bhiwandi-421302.

(Consumer No. 13542035760)

VS

The Executive Engineer, ----- Respondent

M.S.E.D.C.Ltd.,

Bhiwandi Circle,

Bhiwandi.

Corum:

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. Shakeel Ansari- Consumer Representative

B] - On behalf of Respondent

1. Mr.Mahesh Ghagare, Manager, TPL
2. Hemangi Mayker, Assist. Manager, TPL
3. Mr. Satish Dhope, Addl. Executive Engineer, MSEDCL.

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. This application is filed by Padma Venkaiah Adicharla for interim order against the power supply disconnection by M/s TPL. The applicant also grievance of defective & faulty meter and prayed to instruct MSEDCL to revise wrong dues.

The said premise was purchased by the complainant on 10.07.1996 from Mr. Rangrao V. Pawar (HUF). The complainant states that at the time of purchase of the said premises having 3 phase Electricity consumer No. 13542035760 was connected in the said premises and was in the name one Padma Venkaiah Adicharla.

The complainant further states that, from the date of purchase of the said premises till date, the complainant was regular in paying the charges of the Respondent.

The complainant states that at the time of inspection of the said meter by the Electrical Inspector, he has found the voltage of the said meter from 290 to 310.

The complainant states that in the entire Bhiwandi area there are 3500 transfer and 52-Transformer get busted every month. The complainant states that due to the bust of transformer, the cable and meter get defective.

3. 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 6.2

" 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".

The representative of M/s TPL further submit that, as per clause 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 (Service no 13542035760) was released on 26/09/1993. The applicant had prayed to accept the bill of December 2018 but there was no dues of M/s TPL. The service is having outstanding dues of Rs 6, 59,647/- of MSEDCL.

4. We have heard both sides and gone through the submission made by both sides. It appears there is outstanding due of Rs. 6, 59,647/- of MSEDCL in the premises of the consumer/applicant was disconnected and PD earlier. This applicant has purchase this property. Therefore, it is duty of the applicant to pay the arrears of the earlier connection of the premises however, the applicant shall pay only the amount of actual electricity used without any interest or delay payment charges.

Hence, we proceed to pass the following order:

ORDER

1. This application is hereby partly allowed.
2. The respondent utility directed to recover only amount of electricity of charges of earlier connection of applicant/ consumer and without any interest and DP charges by way of 12 installments and shall not disturb his connection in his house.
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.