

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
RELIANCE INFRASTRUCTURE LIMITED**

Sr.No. 09/2016 Mr. Eknath Bhimrao Magdum , 704-B, G.T. BMC Colony, Marve Road, Malvani, Malad West, Mumbai 400 095. Tel. 8108277885.

A/c.No. 101991976, LT-II, Central Division

Minutes of the Meeting dated. 7th October, 2016.

PRESENT

1. Mr. Vilas S Dixit,- Chairman
2. Mr. Rajiv Nakhare, Vice President (RInfra) - Member
3. Mr. Satyanarayan Rajhans, Member

On behalf of M/s. Reliance Infrastructure Limited

1. Mr. Mritunjay Jha, Dy.General Manager (Corporate Legal) Nodal Officer
2. Mr. Sudesh G. Naik, Manager, Central Division
3. Mr. Hemant Natu, Manager, Central Division

On behalf of Applicant / Complainant

1. Mr. Eknath Magdum (Applicant / Complainant)
2. Mr. Shujaul Hasan (Representative of the Consumer)

The present grievance application is filed by Mr.Eknath Bhimrao Magdum.

It is the contention of the Applicant that he is the registered consumer of the licensee company i.e. Reliance Infrastructure Ltd. since many years with respect of C.A. No. 101991976 , Meter No LT-II(a) 5492674 installed for his premises at 704-B, G.T. BMC Colony, Marve Road, Malvani , Malad West , Mumbai - 400095 and he regularly pays the electricity bills .

He further contented that he received a bill for the month of December' 2015 debiting a sum of Rs.1,77,702.49 without any intimation and he received a said bill on 21/01/2016.

Thereafter, he wrote a letter to Distribution Licensee at their Corporate Office with a request to withdraw the said sum from his bill as the said amount does not belong to him and it belongs to other consumer, so that he can make the balance payment.

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He further contended that without considering his request , Reliance Infrastructure Ltd. issued the bill for the month of January' 2016 without withdrawing the above amount and issued him the bill for Rs.2,15,030/- which included the late payment and other charges etc.

Thereafter, he wrote a letter, to the Chairman and MD of the Distribution Licensee Company, dated 25/01/2016 with a pay order for Rs.19,058/- dated 25/01/2016 of Abhudaya Co-Op.Bank Ltd. but the Distribution Licensee Company did not accept the same although it was current month's electricity charges for the month of November' 2015 and December 2015.

Again, he submitted another pay order for Rs.17,895/- dated 24/02/2016 towards the current month electricity charges for January' 2016 but that the Distribution Licensee returned the above pay order vide their letter dated 31/03/2016 stating that they are not accepting the part payment .

Thereafter, Distribution Licensee Company issued disconnection order dated 27/02/2016. In short, it is his contention that the debited amount in his bill does not belong to him.

It is his contention that as per Electricity Act, 2003 and M.E.R.C. schedule, no Distribution Licensee Company have right to debit any amount to any account without prior intimation and confirmation of the consumer. Hence, the said debit of another consumer to his account is illegal and unjustified and the said Distribution Licensee Company is liable for the punishment for the same.

He further contended that in this regard he approached the Distribution Licensee at it's Central Division Office and asked why they have debited such a huge amount to his account without his consent . At that time he was told that they have made such rules and consumers have to follow the same. The Distribution Licensee Company disconnected his supply on 27/02/2016 and removed his meter. According to him the

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disconnection and removal of the meter is illegal. He wrote the letters to the various departments but he did not receive any response.

Thereafter, he approached to Internal Grievance Redressal Cell (IGRC) on 17/03/2016 but even in IGRC he did not get any relief. Hence, he filed the present application before this Forum.

In short, it is the Applicant's / Complainant's contention that the Distribution Licensee Company have no right to debit some other consumer's arrears to his account without his consent.

He also contended that as his supply was disconnected without any fault , he is unable to do his business activities and incurred the heavy financial loss which the Distribution Licensee is liable to compensate.

The Nodal Officer filed the reply and denied all the adverse contentions made by the Applicant / Complainant. In his reply, the Nodal Officer contends that there were four electric connections to the larger premises bearing the Room No. 704 , Block-04, B.M.C. Colony, Malavani , Malad (West), Mumbai 400095 under the name of the Applicant / Complainant and his wife Mrs. Surekha Magdum. He has given the details about the same in his reply. According to him , the C.A. number 150261714 stands in the name of the Applicant / Complainant Eknath Magdum. However, during the hearing, he submitted that this is a typographical error and this C.A. number stands in the name of the Applicant's wife Mrs..Surekha Eknath Magdum. Besides this, the Nodal Officer has given the details of other three connections which stand in the name of the Applicant / Complainant which are given to the same premise.

He further contended that on 15/4/2015 an inspection was carried out by the vigilance team of Licensee Rlnfra and during the inspection it was noticed that the C.A. number 150261714 under LT-I tariff category, which was in the name of Mrs Surekha Magdum was being used for the purpose other than for which it was authorized. The electric

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supply was being used for the restaurant run under the name and style as M/s Shivani Chinese Restaurant. At the time of this inspection, the Applicant / Complainant himself was present at site. According to the Nodal Officer, as this was unauthorized use of the electricity, the authorized officer of Rlnfra initiated the action under the section 126 of Electricity Act, 2003. The inspection report was prepared accordingly and it was handed over to the representative of the customer i.e. the present Applicant / Complainant Mr.Eknath Magdum. The Assessing Officer of Rlnfra assessed the loss caused to the Licensee Company due to this unauthorized use of electricity and passed the Final Assessment Order (FAO) and Mrs Surekha Magdum was held liable to pay Rs.1,39,617 towards the unauthorized use of electricity.

The Nodal Officer further contended that as per the provision of the Electricity Act, 2003, any person aggrieved by the final order made under Section 126 may, within 30 days of the said order, can appeal as per Section 127 of the Electricity Act, 2003 but Mrs.Surekha Magdum neither filed an appeal nor paid the assessed amount as per Final Assessment Order and hence, the utility disconnected the electric supply by following the due process of law. The electric supply of C.A. No. 150261714 under the name of Mrs.Surekha Magdum was disconnected on 06/08/2015.

The Nodal officer also contended that upon regular visit by the representatives of Licensee Rlnfra, it was found that Mrs Surekha Magdum was again using unauthorized electric supply through C.A. No. 101991976 which belongs to Mr.Eknath Magdum. Hence, the Licensee Company issued a letter dated 10/12/2015 to the Applicant / Complainant i.e. Mr.Eknath Magdum and tried to deliver by hand delivery with an intimation about outstanding bill in the name of Mrs.Surekha Magdum and also the Licensee Company is under process to transfer the said dues on the Contract. Account (C.A.) of the Applicant / Complainant but he refused to accept the said letter. Subsequently, on 29/12/2015 the Respondent transferred the outstanding dues of C.A. NO 150261714 to C.A. No 101991976.

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It is his contention that as the Applicant / Complainant did not pay the dues the Electric Supply of C A No 101991976 was disconnected on 27/02/2016. It is also the contention of the Nodal Officer that all these situations were explained to the Applicant / Complainant in the IGR and the Applicant / Complainant and his representative agreed to clear the entire dues but are not cleared so far.

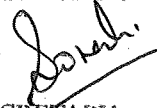
Under these circumstances the Nodal Officer prayed to reject the application.

The Applicant / Complainant submitted his rejoinder. During the course of hearing the Nodal Officer submitted that they are denying all the adverse contentions of the rejoinder .

After hearing both the parties the Forum observes the following points :

1. The tariff of electric connection of Mrs. Surekha Magdum bearing C.A. No 150261714 was changed from residential to commercial tariff by the vigilance team under Section 126 of Electricity Act,2003.
2. This forum is having no jurisdiction to comment about the correctness of this process / debit amount as Mrs. Magdum could have filed under Section 127 of Electricity Act, 2003 as per the provision of Electricity Act,2003 which she has not followed.
3. After the non-payment of the above outstanding of C.A. no. 150261714 belonging to Mrs.Surekha Magdum, the electric connection was disconnected as per the provision of Section 56 of Electricity Act,2003.
4. Subsequently, during the second visit of the Representatives of Licensee Rlnfra for the removal of meter, it was noticed that the supply of electricity to this premise was being used from the connection in the name of Mr.Eknath Magdum bearing C.A. No 101991976. Therefore, Rlnfra tried to deliver a letter dated 10/12/2015 addressed to the Applicant / Complainant Mr.Eknath

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Magdum through hand delivery intimating the outstanding amount of C.A No. 150261714 is being transferred to the ac of Mr Eknath Magdum bearing C.A. No.101991976 as he has extended the supply to the such premises which supply is already disconnected. However, the Applicant / Complainant Mr.Eknath Magdum refused to accept the same.

Under these circumstance this Forum feels that :

(i) there is no substance in the contention of the Applicant / Complainant that the arrears amount was transferred to his account without any intimation.

(ii) there is no substance in this grievance application and deserves to be dismissed .
Hence, the following order :

ORDER

The above Grievance Application stands dismissed

No order as to cost..

Dated: 07.10.2016
MIDC, Mumbai

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sd/-

Vilas S Dixit
Chairman - CGRF

sd/-

Rajiv Nakhare
Member - CGRF

sd/-

Satyanarayan Rajhans
Member - CGRF