

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 150 OF 2022

In the matter of recovery of permanently disconnected consumers

Sarla Babulal Thakur (Occupier)..... Appellant
(Ramsingh Z. Thakur)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Bhiwandi (MSEDCL).....Respondent
Torrent Power Limited (TPL), Distribution Franchisee at Bhiwandi

Appearances:

Appellant : 1. Sarla Babulal Thakur
2. Shakeel Ansari, Representative
3. Pravin Thakkar, Representative

Respondent : 1. Ajay N. Bhasaketre, Addl. Ex. Engineer, MSEDCL
2. Rajesh Shanbhag, AGM, Torrent Power Ltd. (TPL)
3. Roopa N. Kothari, Executive, TPL


Coram: Vandana Krishna (IAS -Retd.)

Date of hearing: 15th November 2022

Date of Order : 28th November 2022

ORDER

This Representation was filed on 7th September 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 27th July 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup (the Forum).



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



2. The Forum, by its order dated 27.07.2022 has disposed of the grievance application in Case No. 173 of 2022. The Forum observed that the Complainant has given a letter to the Respondent on 27.04.2022 for withdrawal of complaint filed with the Forum, as the Complainant has already paid the outstanding dues of PD Connection under the Government's Special Amnesty Scheme "Vilasrao Deshmukh Abhay Yojana" and requested to release the new connection. The Respondent has also released the new connection to the Complainant on 28.04.2022.

3. The Appellant has filed this representation against the order of the Forum. The physical hearing was held on 15.11.2022. Both the parties were heard. Her written submission and arguments in brief are as below:

- (i) The Appellant is a residential consumer (No.015204827645) at H. No. 606/A, Village Borpada, Bhiwandi. The Appellant is the daughter-in-law of Ramsingh Z. Thakur, the original consumer (No. 15200669069) of the Respondent, MSEDCL. During the hearing, the Appellant admitted that outstanding bills had not been paid for this connection for the last 20-30 years.
- (ii) The Appellant applied for a new connection to TPL on 28.12.2021 and TPL orally informed that her H.No.211 has outstanding dues of MSEDCL and TPL in service No. 15200669069 [House No. (H. No.). 242/B), and 15200646689 (H.No.211), and she has to clear the outstanding dues. Only then can the application for a new connection will be accepted and considered.
- (iii) The Appellant states that H. No. 242/B and H. No. 211 shown on service numbers and actual H. No. 606, for which the new connection is requested, are totally different addresses and do not have any relevance and connectivity of the said arrears. During the hearing, the Appellant said that the said houses were next to each other, and the earlier house had collapsed.
- (iv) The Appellant also states that she has paid the outstanding dues of Rs.45,140/- for Service No.15200669069 to MSEDCL and Rs.19,990/- to TPL forcibly to accept the new connection application, which was an illegal demand and paid under threat.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




The Appellant prays to refund of these amounts along with interest as Section 62 (6) of the Electricity Act, 2003 (the Act).

- (v) The Respondent is duty bound to release new connection within a period of one month as per Section 43 (1) of the Act. However, the new connection of the Appellant was released after a period of three months, i.e., two months' delay. Since the Respondent failed to supply the electricity connection within the period specified in Sub-Section 7, it is liable to pay penalty, which may extend to Rs. One thousand for each day of default. So, a compensation of Rs.1000/- per day for the delayed period may be granted.
- (vi) The Appellant approached the Forum on 06.01.2022. However, the Appellant argued that during this stage, she received a call from the Respondent, TPL to withdraw the case, otherwise, her connection would not be released. Under this threat of the Respondent, the Appellant was forced to give an application of withdrawal of grievance.
- (vii) In view of the above, the Appellant prays that the Respondent be directed
- (i) to refund the illegally collected outstanding dues of Rs. 45140/- and Rs. 19990/- of PD consumers with interest.
 - (ii) to compensate towards delay of three months for releasing the new connection at the rate of Rs. 1000 per day.
 - (iii) to compensate suitably towards mental harassment and financial loss which occurred due to non-availability of supply.

4. The Respondents (MSEDCL and TPL) filed their written replies dated 11.11.2022 and 07.11.2022 respectively. Their written submissions along with their arguments on 11.11.2022 are stated in brief as below: -

- (i) TPL is a Distribution Franchisee of the Respondent MSEDCL in Bhiwandi for electricity distribution and billing for a period of 10 years initially from 26.01.2007 which is further extended to 10 years.
- (ii) The Appellant is a residential consumer (No.015204827645) from 22.04.2022 at H. No. 606/A, Village Borpada, Bhiwandi under TPL, Distribution Franchisee area.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (iii) The Appellant filed the grievance application with the Forum on 06.01.2022 (Case No.173/2021) against PD Service No. 15200646689 where the prayer of the Appellant was as below: -

"The applicant was requesting 100% interest free bill for Service No. 15200646689 as TPL had calculated wrong interest. As per applicant MSEDCL dues are not applicable on the said service due to defective and faulty meter as per MERC regulation supply code 2005 and also requesting to provide new connection or reconnect the said service as it was Permanently disconnected. "


- (iv) Aggrieved with the order of the Forum dated 27.07.2022, the Appellant has raised appeal before the Electricity Ombudsman vide Representation No.150 of 2022 for different Service No. 15204827645 (newly released on 28.04.2022) along with different prayer as below:

- "a. To direct MSEDCL/TPL to refund illegally demand collected by her along with interest.*
b. Kindly consider to charge penalty for the delayed period of 3-months releasing her new connection of Rs. 1,000/- per day for delayed period.
c. Kindly consider to charge penalty to MSEDCL for harassment, mentally, physically, financially, and unnecessarily wasting of time, money, and energy.
d. Kindly grant transparent justice complying the principal of natural justice.
e. Kindly consider to inform (M.D.) MSEDCL to take necessary action against MSEDCL concern officials."

Hence, the grievance filed against the Forum's order in Case No.173 of 2021 is not maintainable as per CGRF Regulations 2020.

Main Submission:

- (v) The Appellant applied for a new residential electric connection on 29.12.2021 for one KW load in the name of Mrs. Sarla Babulal Thakur at H.No.606/A, Borpada Village, Wada Rd, Nr. Gopinath Bondkule House, Bhiwandi (Service No.15204827645).
- (vi) On receipt of the said application along with necessary documents, a site survey was carried out. During the survey, it was observed that the said premises was in arrears due to permanently disconnected consumers of MSEDCL and TPL as per table mentioned below: -


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Service No. (Cons. No.)	Consumer Name	Address	Connection Date	MSEDCL Dues (Rs)		TPL Dues	PD Date
				Principal	Interest	(Rs)	
15200669069	Shivaji Pandurang Shelke	242/B., Nr Dattatre Kharik House, Borpada, Bhiwandi - 421302	22-06-1988	31,397	86,213	21,630	17.12.2018
15200646689	Ramsingh Z. Thakur	H.No.211, Nr,Dattatre Kharik House, Borpada, Bhiwandi 421302	8/19/1987	50,147	1,52,958	27,164	17.12.2018


- (vii) Regulation 6.2 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2021 (Supply Code and SOP Regulations, 2021) states as below:

“6.2 In order to give supply to the premises concerned, the Authorised Representative shall, in consultation with the Applicant, fix the position of mains, cut-outs or circuit breakers and meters at the ground floor and sanction the load for the premises:

*.....
Provided further that if there are any outstanding dues against the premises for which the requisition of supply has been made, **new connection shall not be given until the time such dues are paid in accordance with the Regulation 12.5 of this Code.**” ...*

..... (Emphasis added)


- (viii) Accordingly, the Appellant was informed details of dues on the registered mobile number via SMS on 12.01.2022. There is minor mismatch in addresses of old PD consumers and the new connection; however, the actual premises of the new connection and the old PD consumers are physically the same.
- (ix) The Appellant raised the original grievance on 20.01.2022 with the Forum regarding wrong interest calculation for dues of PD Service No. 15200646689 and requested to revise the same. The Appellant has not mentioned any relevant provisions of Regulations of Maharashtra Electricity Regulatory Commission (the Commission), or circulars of MSEDCL to waive off interest amount. The bills of the Appellant were raised as per monthly reading. The interest is automatically charged on MSEDCL/TPL arrears as per billing software based on prevailing tariff orders of the Commission in force.
- (x) The Respondent, MSEDCL launched a special amnesty scheme “Vilasrao Deshmukh Abhay Yojana” by its Circular No. 02/2022 dated 07.03.2022 for


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



recovery of PD arrears from all PD HT/LT consumers (excluding agricultural consumers). 100% waiver of delayed payment charges (DPC) and interest is the main benefit of the scheme, with certain terms and conditions. The Appellant has opted to take the benefit of the scheme by accepting the terms and conditions.

- (xi) The Appellant made payment of Rs.45,100/- towards the principal amount of MSEDCL arrears and Rs.19,370/- against TPL arrears of PD Service No. 15200646689 (under the DPC and interest waiver scheme) on 14.04.2022. An amount of Rs. 28,270/- for MSEDCL arrears and TPL arrears was also received against Service No. 15200669069 on 13.04.2022. Recoverable amounts pending against MSEDCL and TPL dues are Nil as on date, of both the connections.
- (xii) After clearing the pending dues of both the services, a quotation amount was generated in system on 22.04.2022. The Quotation raised was as per Commission's approved Schedule of charges and the same was informed to the Appellant on the registered mobile number via SMS.
- (xiii) Meanwhile, the Appellant submitted an application with MSEDCL Nodal office on 19.04.2022, mentioning that they are not ready to pay Service connection charges, which is in contravention to their affidavit submitted under Vilasrao Deshmukh Abhay Yojana. Here, it is specifically brought to the notice of the Hon. Forum that the said application was signed and submitted with the signature of the Consumer representative himself, without the knowledge of the Appellant. This act of the Consumer representative is highly objectionable and needs to be viewed seriously.
- (xiv) The Appellant then made payment of Rs 3,900/- against the new service no. 15204827645 on 22.04.2022.
- (xv) Further, the Appellant has also submitted unconditional withdrawal of the case at Forum through letter dated 27.04.2022 and requested for early release of new connection at the said premises. The new connection of Appellant bearing Service No. 15204827645 was released on 28.04.2022. The matter was thus settled.
- (xvi) Many special drives were conducted for controlling unauthorised theft by hooking of direct supply at Borpada Slum. The Vilasrao Deshmukh Abhay Yojana was also announced by MSEDCL Authority which has resulted in regularisation of


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



many unauthorised electric connections. Hence, the question of forceful payment towards MSEDCL and TPL dues for Service No. 15200646689 does not arise and is denied. The utility has rightly recovered the dues of PD service on the premises where the new service connection was applied, as per Regulation 6.2 of the Supply Code and SOP Regulations, 2021.


(xvii) It may please be noted that the case was heard by the Forum which passed the order on 27.07.2022 stating that *"The grievance is dismissed as the dispute is settled between the parties and no grievance is remained, and Forum does not find any reason to keep pending this case. As a result, the said complaint was disposed off"*. Now the Appellant has approached this Authority with a different prayer clause and with a different service number. On this ground alone, the case may be dismissed without any relief.

(xviii) **On the one hand, the Appellant has taken the benefit of interest waiver of PD consumers and has already settled the principal dues, and on another hand, she is asking to refund the amount paid. The above facts clearly show the intention of the Appellant is only to mislead.** Thus, nothing ought to be granted against the utility as the Appellant has taken the benefit under the Vilasrao Deshmukh Abhay Yojana for settlement of MSEDCL dues and interest waiver scheme for settlement of TPL dues.

(xix) The Forum, by its order dated 27.07.2022 has rightly rejected the grievance application. In view of the above, the Respondent requests to reject the Representation of the Appellant.

5. The TPL by its email dated 21.11.2022 has informed that the details of payment made in Service No. 15200669069 is tabulated as below:

Service No	Consumer Name	Address	Connection Date	MSEDCL (Rs.)		TPL(Rs.)	
				Amount	Date	Amount	Date
15200669069	Shivaji Pandurang Shelke	242/B., Nr Dattatre Kharik House, Borpada, Bhiwandi - 421302	22.06.1988	28,270	05.04.2022	13,730	09.08.2021


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



The said payment was done by Mr. Rohan Shivaji Shelke. There are no outstanding arrears of this Service No. 15200669069 at present.

Analysis and Ruling

6. Heard the parties and perused the documents on record. At present, the Appellant, Sarla Babulal Thakur, is a residential consumer (No.015204827645) at H. No. 606/A, Village Borpada, Bhiwandi from 28.04.2022. There was outstanding arrears on the premises in the name Ramsingh Z. Thakur who was her father-in-law. He expired long ago. The Appellant is residing since long in the said premises and is occupier at this property at present.

7. Initially, when the Appellant applied for a new connection on 28.12.2021, the Respondent TPL informed the Appellant that there were outstanding dues on her premises which is tabulated in Para No. 4 (vi). As there were outstanding arrears on the premises, the TPL refused to sanction a new connection due to non-payment of outstanding dues on the property.


8. The Appellant approached the Forum on 06.01.2022 with the main prayer for waiver of 100% interest for Service No. 15200646689 as TPL had calculated wrong interest.

9. MSEDCL announced "Vilasrao Deshmukh Abhay Yojana" for recovery of PD arrears from all PD HT/LT Consumers (Excluding AG) by its Circular No. 2 dated 07.03.2022. The salient features of the Scheme is as below:

“Further, recovery from PD consumers is very miserable. During the recent PD verification drive it is observed that, many PD consumers are using unauthorized supply which is adversely impacting revenue and distribution loss. Hence, there is need to introduce Amnesty Scheme which will help in PD Arrears Recovery and Generation of New Revenue.

.....
➤ **Benefits:**

- 1) 100 % DPC & Interest will be waived off.
- 2) 100 % Principal amount to be paid. The consumer may opt up to 6 monthly interest free installments.
- 3) Additional 5% rebate to HT and 10% rebate to LT consumers will be applicable if principal amount paid in one stroke.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



10. The Appellant opted to take benefit of this scheme and accordingly paid the arrears for settlement of MSEDCL and TPL dues for Service No. 15200646689 which was in the name of her father-in-law. The Appellant paid Rs.45,100/- towards principal dues of MSEDCL on 13.04.2022 and Rs.19,370/- towards principal dues of TPL on 14.04.2022. The revised arrears of service No. 15200669069 were also paid by the concerned beneficiary party, Rohan Shivaji Shelke. The Appellant gave a request letter dated 27.04.2022 to the Respondent TPL as well as MSEDCL that she was withdrawing the case in the Forum and requested the Respondent to sanction and release the applied new connection on the said premises which is liability free of PD arrears.

11. The Appellant has fairly admitted during the hearing before the Electricity Ombudsman that both the connections have been used by her family in the same contiguous premises which were permanently disconnected in the year 2018. She resided in the said premises initially, managing the electricity by taking unauthorised extension from neighbour's connection. The Appellant claimed that she was residing without electricity since last about eight months, after Diwali of 2021.

12. Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 came in force from 24.02.2021. The regulations related to outstanding dues of permanent connection is reproduced as below:


“16. Billing

.....

*16.9.2. No sum due from any Consumer shall be recoverable after the period of Two (2) years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied as per Section 56 (2) of the Act **except for permanently disconnected Consumer.***

*16.9.3. In case of premises which are permanently disconnected or demolished for reconstruction, the liability of the arrears, if any, shall be passed on to the owners / occupiers. **(Emphasis added)***

It is clear from the above provision that the Respondent is entitled to recover the PD arrears from the Appellant which are shown as outstanding on the premises.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



13. The Appellant has submitted absolute withdrawal of the case at Forum through her letter dated 27.04.2022 and requested for early release of new connection at the said premises. The new connection of Appellant of Service No. 15204827645 was released on 28.04.2022.

14. The MSEDCL/TPL contended that many special drives were conducted for removing unauthorised hooking of direct supply at Borpada Slum to control theft of electricity. The said locality where the Appellant resides has many similar cases of theft / unauthorised extensions which have been going on for years even after permanent disconnections due to non-payment of dues. The Vilasrao Deshmukh Abhay Yojana was thus announced by MSEDCL Authority which has resulted in considerable regularisation of electric connections which had outstanding dues of PD connections.

15. The Forum passed the order on 27.07.2022 stating that


"The grievance is dismissed as the dispute is settled between the parties and no grievance is remained, and Forum does not find any reason to keep pending this case. As a result, the said complaint was disposed of."

16. The Forum, by its order dated 27.07.2022 has rightly rejected the grievance application. The Forum has rightly analysed the case and hence it is not necessary to interfere with the order of the Forum. The Appellant has approached this Authority with a different prayer from the one raised in the Forum, which is not maintainable as per statute. The grievance does not stand on merit also as per Regulation 16.9.2 of Supply Code and SOP Regulations 2021.

17. In view of the above, the representation of the Appellant is rejected, and disposed of accordingly.

Sd/-

(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

