

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@mercindia.org.in
Website: www.mercindia.org.in**

Case No. 14 of 2009

**In the matter of
Complaint filed by Shri. P.S. Ballani alleging non-compliance of Order dated
28.01.2009 passed by the CGRF Kalyan Zone.**

**Shri. V. P. Raja, Chairman
Shri. S. B. Kulkarni, Member
Shri. V.L. Sonavane, Member**

Shri P.S. Ballani

.....Complainant

Vs.

The Executive Engineer (Nodal Officer)
Maharashtra State Electricity Distribution Co. Ltd.

..... Opponent

ORDER

Date: 19th July, 2010

Shri P. S. Ballani, had filed a complaint on behalf of Late Shri. S. K. Ballani on 13.04.2009, invoking Section 142 of the Electricity Act, 2003 (“EA2003”), seeking directions against Maharashtra State Electricity Distribution Company Limited (MSEDCL/ Opponent), alleging that there has been non-compliance of the order dated 28.01.2009 passed by the Consumer Grievance Redressal Forum (“CGRF”), Kalyan Zone.

2. The Commission had passed an Order dated 29.10.2009 in the above case, wherein while holding that the Commission would not have jurisdiction to stop disconnection, or to issue stay orders in a billing dispute, the Commission had directed the Opponent to show cause as to why penalty under Section 142 be not imposed on it for non-compliance of the order passed by the CGRF which is punishable by the Commission under the MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 .



3. The Opponent has submitted under a letter No. DY/EE/Ulh-Sub-III 595 dated 09.04.2010 as copied to the Complainant, stating therein that they have complied with the CGRF Kalyan's order dated 28.01.2009, and also have issued two energy bills in respect of the two connections of the consumer (including the respective disputed charges), with a proviso that the 'consumer is allowed to pay undisputed charges in both the above bills and shall be allowed to pay further actual charges keeping his liability to pay the disputed charges in both the above bills with further interest if any as per the final decision of the Hon'ble High Court in writ petition no. 5261/2009.

4. A hearing in the matter was held on 29.06.2010, where the Complainant was represented by Shri Sumeet P. Ballani and the Opponent was represented by Shri P. H. Kachot, E.E., MSEDCL, Ulhasnagar, alongwith others. The Complainant submitted that the Opponent has partly complied with the CGRF order, but then conveyed that he was receiving his current bills with increase in amounts payable. The Opponent submitted that the Complainant had yet to pay the disputed amounts, which have to be decided by the Hon'ble High Court, as per the writ petition. Since the disputed amount is covered in the monthly bill, the increase in current bills was happening due to the delayed payment charges which were imposed on Complainant for non-payment of billed amounts. The Complainant wants the current bills after removing the disputable amount, which was not possible until the matter is decided by the Courts. Opponent submitted that the unpaid amount from the bill, is reflected in the subsequent electricity bills, to maintain the records of accounts.

5. The Complainant was advised by the Commission that making payment of disputed charges (presently approx. Rs.6,31,000/-) would be in his favour so as to avoid the delayed payment charges alongwith the interest. The Commission also observed that if the High Court judgment goes in Complainant's favour, he would get back the amounts paid by him, as decided by the High Court, but, if the Complainant chooses not to make the said payment to Opponent and in case the High Court judgment goes in favour of the Opponent, then the complainant would have to pay the delayed payment charges/ interest alongwith the amount due to the opponent. The Complainant was asked to take a decision in this respect.

In the circumstances, the Commission is not inclined to impose penalty under Section 142 of the EA2003.

With the above, the case 14 of 2009, stands disposed of.

Sd/-
(V.L. Sonavane)
Member

Sd/-
(S.B. Kulkarni)
Member

Sd/-
(V. P. Raja)
Chairman



(K. N. Khawarey)
Secretary, MERC