

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/00123

Date : 01/04/2008

Case No. 155

Hearing Dt. 20/02/2008,  
05/03/2008 & 07/03/2008

**In the matter of previous arrears and new connection and bill revision**

**Shri Sadanand R. Shetty**

- Appellant

Vs.

**MSEDCL, Mulund (W)**

- Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri Sanjay Jadhav, Consumer's representative.
- 2) Shri S.V. Shetty, Consumer.
- 3) Shri Sandeep Shetty, Consumer's son.

**C - On behalf of Respondent**

- 1) Shri P.S. Nichat, Ex.Engr., Mulund (W) Divn.
- 2) Shri H.V. Daware, Dy. Ex.Engr., Mulund.

**PREAMBLE :**

The consumer registered his grievance with this Forum on 01/02/2008 vide case No. 155. The consumer gave an application for interim order for grant of stay to the disconnection of electric supply. The hearing for an interim order was fixed on 1<sup>st</sup> Feb 2008 and order was issued on the same day. The regular hearing was fixed on 20/02/2008 followed by 05/03/2008 and 07/03/2008.

**CONSUMER'S SAY:**

- 1) On 30/01/2008, the supply of the consumer was disconnected without any notice and intimation.
- 2) Consumer approached CGRF for interim order on 30/01/2008 for grant of stay on disconnection. CGRF granted him an interim order on 01/02/2008.
- 3) Consumer is having two connections at Hotel Shilpa situated at Mulund Check Naka, Veena Nagar, Mulund (W), having consumer Nos. 700000850332 and 700000040063. Consumer was using both the meters for commercial purpose of hotel business.
- 4) Due to road widening in 1999 they demolished the part of the hotel building
- 5) They decided to construct a commercial building in the said premises and approached utility's section office at Panchrasta for temporary connection on 20/06/2006 vide application No. PV26.

6) Utility did not take any cognizance of the consumer's letter, hence the consumer did not get the temporary electric connection for construction purpose.

7) After waiting for 2 months, they started using electricity through their previous commercial connection, which was issued for hotel purpose vide consumer no. 700000640063. They were using for water i.e. 3 HP water pump and 1 kw lighting load for construction purpose.

8) They were using both the meters, one was for hotel and construction and another was for other commercial activities.

9) In the month of May 2007, Flying Squad from Palghar, MSEDCL inspected the site and found that there was no separate meter for construction purpose.

Consumer stated that he was not aware of that the tariff of the temporary connection was much higher than the normal commercial connection. He used commercial power connection for the construction purpose. Hence the flying squad officials of Palghar told that they had to pay the differential charges between temporary connection and commercial connection. Consumer had agreed to pay such difference.

10) In the month of Jan-2007, utility sent a bill to them for Rs. 1,85,864/- stating as bill adjustment for consumer No. 700000850332 and Rs. 144529/- for consumer No. 700000040063.

11) After enquiring to utility's office, it was noticed that though the consumer was using the supply from only one meter (meter no. 700000040063)

utility sent them the tariff difference on both meters, which was amounting to Rs. 1,85,864/- + Rs. 1,44,529/-. Utility had calculated the difference of both the meters.

12) As the construction was over in the month of June 2007, utility was charging the consumer the tariff of temporary connection.

13) Consumer's application for new connection is also pending with utility.

**Prayer of the consumer.**

1) To correct the bills as per tariff difference between commercial and temporary connection only on meter No. 700000040063 as which was used for construction purpose.

2) Release his new HT connection.

**UTILITY'S SAY:**

- 1) Initially in the same premises, there were three commercial consumers.
  - i) Shri S.V. Shetty (cons. No. 700000850332) for hotel purpose.
  - ii) Shri S.V. Shetty (cons. No. 700000040063) for hotel shilpa
  - iii) Shri Jagannath K. Shetty (cons. No. 700000850324) for Nityanand Lunch Home.

The consumer Shri Jagannath K. Shetty ((cons. No. 700000850324) was permanently disconnection in March-2004 due to road widening (some portion of it) at the time of P.D. the arrears outstanding against him was Rs. 98,260/-, which is yet not paid.

As per consumer's letter he had applied for temporary connection for construction purpose on dtd. 20/06/06 but MSEDCL might have been denied this, may be due to arrears of Rs. 98,260/- outstanding against Hotel Nityanand, which before demolition was a integral part of the same premises.

2) I have to say that if MSEDCL official at sub-division failed to release the temp. connection, why he had not complained to next authority? Moreover the channels are opened to him to approach I.G.R.F. or C.G.R.F. instead of following this, he directly started using the supply for construction purpose at his own. It seems clear-cut malafied intention, deceiving the MSEDCL from legal revenue. Why he should not be penalized for that?

3) Consumer in his application pointed out that the F.S. office, Palghar told him that he will have to pay the difference of tariff for consumer no. 700000040063 only. But as report of F.S. Palghar the activities of construction was being carried out on both the meters i.e. (1) 700000040063 & 2) cons. No. 700000850332.

4) Consumer in his application stated that after denied for temporary connection by MSEDCL, he started construction activities from the meter of con. No. 700000040063 only for 3 HP water pump and approx. 1 kw lighting load. Where as in report of F.S. Palghar, it is clearly mentioned that supply from both the meters is being used for Hotel & building construction. F.S. Palghar has not bifurcated which load was being used for construction purpose & Hotel purpose and F.S. Palghar has suggested recovery of construction tariff from Oct-06 onwards. Accordingly this office has issued bill based on the report of F.S. Palghar and tariff is continued. Till date the consumer has not submitted the certificate of completion of construction activities.

The tariff will be normalized as soon as the certificate of stopping of construction activities is received.

**OBSERVATIONS:**

- A) Initially there were three commercial connections as follows.
- i) Shri S.V. Shetty (cons. No. 700000850332) for hotel purpose.
  - ii) Shri S.V. Shetty (cons. No. 700000040063) for hotel shilpa
  - iii) Shri Jagannath K. Shetty (cons. No. 700000850324) for Nityanand Lunch Home.

In the year 1999 due to road widening both the consumers (Shri S.V. Shetty & Jagannath Shetty) demolished their some parts of the hotels and refurnished them. There after in the year March 2004 the consumer Shri Jagannath K. Shetty's connection was made P.D. At that time there were arrears of Rs. 98,260/- in the name of Shri Jagannath K. Shetty having consumer no. 7000000850324. These arrears are not paid till date.

During the hearing, Forum asked the consumer Shri S.V. Shetty, the address of Shri Jagannath Shetty. However, he expressed ignorance about it.

- B) Utility's officer Dy. Ex. Engr., Mulund division Shri Dawre personally took efforts and found the address of Jagannath Shetty. It was revealed that Shri Jagannath Shetty had sold the hotel (Nityanand Lunch Home) to Shri S.V. Shetty in July 1999 with all the business licenses, obviously carrying the energy bill liability.

- C) On perusal of CPL (cons. No. 700000850324) it revealed that there was recorded energy consumption till March 2004 till made P.D.

D) In the course of hearing Shri S.V. Shetty admitted the arrears of Rs. 98,260/- outstanding against Hotel Nityanand as on March 2004.

E) Shri S.V. Shetty applied to the utility for new temporary connection on 20/06/06 for construction purpose of new building adjacent to the existing hotel. However, no cognizance of the said application was taken. After waiting for two months the applicant started the construction work taking energy from the existing connection made for hotel business vide consumer no. 700000040063.

The Flying Squad unit Palghar District Thane in the course of their visit to the said premises on 11<sup>th</sup> May 2007 observed that Shri S.V. Shetty was using the power meant for hotel for the purpose of construction work and pointed out the differential in the tariff between commercial (hotel) and construction work.

However, the flying squad unit pointed the said differential recovery wrongly on two connections bearing on consumer no. 700000850332 & consumer no. 700000040063. The utility officials accordingly billed the consumer.

In the course of hearing, the utility officials have admitted this error. The detail spot verification report also reveals that the flying squad clearly erred in charging two meters for using for construction purpose, which is not practical also. In the absence of any response to the Forum by the flying squad unit and the detailed spot verification report submitted by Shri Davare, Dy. Ex.Engr., Mulund points out the error made by the flying squad unit is clearly revealed that repairs to be corrected to give justice to the consumer to Shri S.V. Shetty. The flying squad Palghar however charged a consumer a construction tariff differential on both the connections con.no. 700000040063

& 700000850332 in his spot inspection report. It ought to have mentioned which single connection was used for construction purpose and actual construction load being used by the consumer. The consumer's grievance therefore appears genuine, the utility has to rectify the error in the bills of the consumer. The utility has also to consider appropriate connection is cons. No. 700000040063 to charge the construction tariff differential only and to withdraw the tariff differential as on 2<sup>nd</sup> consumer having consumer no. 700000850332, which is clearly charged wrongly.

As per the consumer say the construction work is already completed in June-2007. However, the consumer is yet to submit the work completion certificate. Hence utility is justified to continue to charge him construction tariff but only on single connection mentioned above.

His application for new permanent connection (H.T.) needs to be looked into by the utility as per rules and regulations.

### **ORDER**

- 1) The consumer should pay the arrears of consumer no. 700000850324 of Rs. 98,260/- immediately, which was outstanding.
- 2) The utility should issue the revised tariff differential bill with appropriate tariff for the relevant period of construction for consumer no. 700000040063 only and squash the assessment proposed of tariff/differential for the consumer no. 700000850332.



3) After receiving payment from the consumer as mentioned at sr. No. 1 and 2 above utility should take necessary step to grant new connection to the consumer as per rules and regulation expeditiously.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 1<sup>st</sup> of April 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR**  
**MEMBER**  
**CGRF, BHANDUP**

**S.L. KULKARNI**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**S.B. WAHANE**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**

**CONSUMER GRIEVANCE REDRESAL FOURM  
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315

25624316

25624322 Secretary/CGRF/MSDCL/BNDUZ/Case No. 155/08

To

Consumer Grievance Redresal Forum

"Vidyut Bhavan", Gr. Floor,

L.B.S. Marg, Bhandup (W),

MUMBAI - 400 078. □

**Shri Sadanand R. Shetty,**  
C/o. Hotel Shilpa, Mulund Check Naka,  
LBS Marg, Mulund (W),  
**MUMBAI - 400 080.**

**SUB :** Registration of your grievances dtd. 01/02/2008.

Dear Sir,

The grievance submitted by you is registered to this Forum vide Sr. No. 155, dtd. 01/02/2008 & hearing date is fixed on 20/02/2008 at 12.00 hrs. at the office of the Consumer Grievance Redressal Forum, Vidyut, Ground Floor, LBS Marg, Bhandup, Mumbai -78.

Therefore, it is requested to attend the hearing on the above date alongwith documents in support of your grievance. In case of failure to attend the hearing on the above date, this Forum shall decide the Grievance Ex-parte on merit, which may please be noted.

Thanking you,

Yours faithfully

**SECRETARY**

**CGRF, MSEDCL,**

**BHANDUP**

c.f.w.cs. to :

1. **The Executive Engineer (Office) i.e. Nodal Officer,**  
I.C.G.R.C., Office of the Suptd. Engr.,  
O&M Circle, Thane
2. **The Executive Engineer,**  
O&M Divn., MSEDCL.,  
Mulund.

-- He is requested to attend the hearing on the above date alongwith the concerned authority & the details of report related with the grievance of the consumer.

**CONSUMER GRIEVANCE REDRESAL FOURM  
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315

25624316

25624322

Secretary/CGRF/MSEDCL/BNDUZ/Case No. 1557

Consumer Grievance Redresal Forum

"Vidyut Bhavan", Gr. Floor,

L.B.S. Marg, Bhandup (W),

MUMBAI - 400 078. □

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To

**The Nodal Officer & Executive Engineer (Office)**  
Consumer Grievance Internal Redressal Unit,  
Office of the Superintending Engineer,  
MSEDCL., THANE.

**SUB :** Submission of point wise compliance  
in respect of case No. 155.

As per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 vide clause No. 6.12, the copy of grievance registered at Sr. No. 155 is being forwarded to your office for submission of issue wise compliance. The hearing date of the case is fixed on dated 20/02/2008 at 12.00 hrs. However, the Nodal Officer shall act as the co-ordinator for filing the reply, making submission, providing issue wise comments on the grievance, submitting compliance status / reports etc. Therefore it is requested to submit point wise compliance to this Forum in respect of the case in consultation with concerned authority within 15 days from the date of issue of this letter or one week before the date of hearing which ever is earlier.

The copy of compliance should also be provided by you to the consumer before hearing.

**SECRETARY  
CGRF, MSEDCL,  
BHANDUP**

c.f.w.cs. to :

The Executive Engineer, O&M Dn. MSEDCL, Mulund.

-- for needful action for submission of issue wise compliance & at attend the hearing along all the relevant documents related with the grievance.