



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/566/667 OF 2011-2012 OF
SHRI WADHUMAL D. VALECHA, ULHASNAGAR REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE ENERGY BILL.

Shri Wadhupal D. Valecha
Barrack No. 812
Room No. 09, Section 17,
Behind MSEB Sub-Division
Ulhasnagar – 421 003

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer Ulhasnagar
Sub-Division No. III

(Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The Complainant registered grievance with the Forum on 09/01/2012 for Excessive Energy Bill.

The details are as follows :

Name of the complainant :- Shri Wadhupal D. Valecha

Address: - As given in the title

Consumer No : - 021510571115

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/035, dated 09/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/UIh Sub.Dn.3/245 dated 04/02/2012.
- 4) Hearing was held on 07/02/2012 @ 14.30 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Mukesh Valecha & Shri Lakhi Valecha Consumer Representatives & Shri Kashal, Asstt. Engr., Shri C. S. Damse, Dy. Ex. Engr. representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.

- 5) The complainant Shri Lakhi Wadhupal Valecha staying at Barrack No. 812, Room No. 09, Behind MSEB Sub-Division Office, Ulhasnagar : 421 003 filed his grievance application for -
- a) Disconnection without notice
 - b) Compensation
 - c) Change of Name
 - d) Misbehaviour of Lineman
- 6) The brief facts of the case are as follows :
- a) The complainant who is staying at the above address was getting supply from the meter No. 7611096563 having consumer No. 021510571115.
 - b) The complainant further states that the said meter is in the name of his deceased father Shri Wadhupal D. Valecha.
 - c) It is the contention of the complainant that the licensee issued a bill of Rs. 21,740/- for the month of June 2011 to the complainant.
 - d) The complainant further submitted that because of his financial critical condition he requested the licensee vide his letter dated 07/07/2011 to grant two installments to pay the above amount and as per the directions of the licensee he paid Rs. 10,000/- on 15/07/2011.
 - e) The complainant also states that he gave assurance to the licensee to clear the balance amount in the first week of August 2011 (by the same letter).
 - f) It is the contention of the complainant that though licensee agreed to his proposal, licensee disconnected the supply on 30/07/2011 without giving disconnection notice by removing the meter and directed him to pay

remaining amount of arrears of electricity charges amounting to Rs. 11,740/- -- if he wants to reconnect the supply.

- g) Grievance of the complainant is that though he has paid reconnection charges of Rs. 150/-, the licensee has not installed a new meter nor released the electricity supply.
- 7) Complainant therefore approached the Forum and requested to :
 - a) Direct the licensee to grant compensation for unlawful disconnection of electricity supply.
 - b) Direct the licensee to grant his application for change of name.
 - c) Direct the licensee to penalize the Lineman for his misbehavior.
- 8) Notice was issued to the licensee who appeared and submitted as under :
 - a) That on scrutiny of outstanding it was observed that the consumer was in arrears of Rs. 21,740/-.
 - b) In order to recover the outstanding amount electricity supply was permanently disconnected without giving notice on August 2011.
 - c) The Licensee further submitted that the complainant paid Rs. 10,000/- on 15/08/2011 and paid remaining amount of Rs. 11,740/- on 30/08/2011 alongwith reconnection charges of Rs. 150/-, therefore his supply was reconnected on October 2011.
 - d) Licensee further stated that since the grievance of the complainant has been redressed, his grievance application be disposed off.
- 9) After going through the submissions made by both the parties and the documents placed on record, our observations are :

- a) The electricity supply of consumer No. 021510571115 was disconnected in August 2011 without notice which is mandatory as per the provisions of Electricity Act 2003, Clause No. 56 (1) which reads as under :

“Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may after giving **not less than fifteen clear days notice in writing** to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity

Licensee vide it's letter No. 1360, dated 29/09/2011 admitted that the supply of the complainant was disconnected without notice.

- b) The consumer paid Rs. 10,000/- in the first installment and the remaining amount of Rs. 11,740/- on 30/08/2011 alongwith reconnection charges. In spite of that his supply was reconnected in October 2011 i.e. after a period of one month for which he should be compensated.

- c) We also observed that the complainant has produced death certificate of his father whose name is on the electricity bill. The complainant has requested the licensee for name transfer in electricity bill. In this connection Clause 10 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations 2005 is very clear which reads as under :

10.1 : A connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership or

occupancy of the premises, upon application for change of name by the new owner or occupier.

10.2 :

10.3 : The applicant under Regulation 10.2 shall be accompanied by –

- (i) Consent letter of the transferor for transfer of connection in the name of transferee.
 - (ii) In absence of consent letter, any one of the following documents in respect of premises (a) proof of ownership of premises (b) in case of partition, the partition deed (c) registered deed, or (d) succession certificate
 - (iii)
 - (iv)
- 10) Taking into consideration all the above points we pass the following order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Licensee is directed to entertain an application if submitted by the complainant for affecting change of name with due compliance to the Clause 10 (10.1, 10.2 and 10.3) as elaborated in para 09 of this order.
- 3) Licensee is directed to pay to the complainant Rs. 2,000/- (Rs. Two Thousand) towards the amount of compensation as elaborated in para 09 of this order within 45 days from the date of this order.
- 4) Licensee is directed to take appropriate action against the concerned Lineman.

5) Licensee is directed to report the compliance within 60 days from the date of this order.

6) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

7) Consumer, as per section 142 of the Electricity Act, 003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 06/03/2012

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan