



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/1270/1497 of 2017-18	Date of registration	: 27/11/2017
	Date of order	: 20/12/2017
	Total days	: 24

IN THE MATTER OF GRIEVANCE NO. K/E/1270/1497 OF 2017-18 OF SMT.SUJATA PRASANNA SOPARKAR, GUT NO.80/213, VILLAGE SAVAROLI, TAL.VIKRAMGAD, DIST. PALGHAR, PIN CODE-421 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Smt.Sujata Prasanna Soparkar,
Gut no.80/213, Village Savaroli,
Tal.Vikramgad, Dist. Palghar,
Pin Code-421 303,
(Consumer No.012107068510)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Vasai Circle , Vasai

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri. R.D.Kallukaran, AE, Wada S/dn.
2) Shri. L.A. Chavan, AA, Wada S/dn.

For Consumer - Shri. Harshad Sheth (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2) Smt.Sujata Prasanna Soparkar Aqri. Consumer no. 012107068510 (BU-4158) states that there was illegal addition of arrears in the bill for the month of June-2017 in the sum of Rs.6,16,602/- and there was illegal disconnection of supply without notice under Section 56 of IE Act. It is further the contention that meter readings were not taken for more than one year and average bills @ 500 units per month were given in violation of MSEDCL circular no.13811 dated 3rd of June-2017 and commercial circular no.254 dt.7th Dec-2017. It is further contention that retrospective recovery is prohibited as per ATE order in 131 and MERC order in 24/2003 & 42/2015, also ombudsman's orders & CGRF orders.

3) Consumer there for prays that, arrears be quashed & deleted from the bill. Excess paid due to disconnection be ordered to be refunded & average billing for one year be regularized by refunding excess paid. So also interest be awarded.

4) Licensee in reply contended that assistant Engineer, Gorha Section office under Wada Subdivision detected the unauthorized use of electrical connection in r/o Consumer no. No.012107068510 for the month of Aug-2016. The consumer was sanctioned with electrical connection having tariff LT IV AG (NTR) with load 3 HP since 01/11/2010. But as per report submitted by Assistant Engineer, Gorha section office Consumer used electricity for residential of purpose which is unauthorized use. Hence the bill for unauthorized use under section 126 of IE Act 2003 was issued to the Consumer. From the date of supply to August -2016. bill was issued as per recorded consumption of the meter. Consumer did not pay the said bill as well as the regular bill since Nov-2016. Hence disconnection was done in Sept-2017. Consumer then paid the bill on 07/10/2017 where upon the supply was restored. The bills in question were issued under section 126 of the IE Act 2003 for unauthorized use and as per recorded consumption of meter.

5) We have heard both sides. at the outset the bill is towards the consumption recorded and is within limitation. Now, admittedly as revealed during argument the supply was obtained for agriculture purpose. Thereafter three rooms were constructed there for the residence of care taker so also one room was being used by Consumer whenever he visited the property. Admittedly further supply to the said constructed premises which was being used for residence was taken from this very connection which was obtained for agriculture purpose. This being so 126 of the IE Act is clearly attracted. CR MR. Sheth tried to submit that procedure required for applying Section 126 has not been followed.

6) Now the barring provision 6.8 of MERC (CGRF & Ombudsman) Regulation 2006 leaves very little scope for enquiry for the forum of very limited jurisdiction. This is not a Civil Court having vast and overall Jurisdiction on all matters. There are some short

comings tried to be shown like, inspection report having not signed by the Consumer, and panchnama not prepared etc. Further whether the tariff applied since beginning is correct etc. All those question are to be raised before competent authority under Section 127. Admittedly a residential premises has been constructed for which supply has been taken from the Aqri connection. This in our opinion is sufficient for this forum of limited jurisdiction to advise the Consumer to approach the competent authority under Section 127.

Hence the order.

ORDER

The Grievance is dismissed.

Date: 20/12/2017

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

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

a) *The consumer if not satisfied, may file representation against this order before the Hon. 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”.

b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*

c) *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”

d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

