



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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EE/CGRF/Kalyan/

Date of registration: 29/08/2017

Date of order : 11/10/2017

Total days : 43

IN THE MATTER OF GRIEVANCE NO. K/E/1251/1475 OF 2017-2018 OF SHRI PRAKASH P. CHOIUDHARY, 3/103, SHRIRAM TOWER, SANTOSHI MATA MANDIR ROAD, KALYAN (WEST), PIN CODE 421 301, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri Prakash P. Choudhary,
3/103, Shriram Tower,
Santoshi Mata Mandir Road,
Kalyan (W), Pin -421 301.

(Consumer No.020131300485) ... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Through it's Nodal Officer/Addl.EE.

Kalyan Circle-I, ... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri T.S.Hindurao-AEE-KC-(W)II.

For Consumer – Sheri J.S. Rajput- CR

[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 Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal 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] Consumer Shri Prakash P.Choudhary, has his connection bearing consumer No.0200951762 for his house No.103/3. He has been paying its bill regularly. This house was purchased by the consumer in the year 2002. In 2012 there was change of name effected in respect of the house No. 3/103. This is a duplex. Lower floor is. No.3 and upper floor is 103. There is copy of plan shown in that regard along with Architect Certificate. This being so in the year 2016 a notice was issued to the consumer for recovery of P.D. bills in respect of supply connection bearing No. 020020951746 of flat no.103 for the first time and disconnection of his present supply connection bearing consumer No. 0200951762 was threatened. Hence the said bill is questioned by the consumer.

3] In reply Licensee contends that P.D. arrears recovery drive was held under Kalyan (W) Sub/Dn-III on 21/11/2016. It was found during inspection that P.D. premises of the consumer No.020020951746 i.e. flat No.103 Shriram Tower, near Mahavir Dham, Santoshi Mata Road, Kalyan (West) was clubbed with premises of Shri Choudhari Prakash Purshottam i.e. flat No.03 of the same building. The said premises flat No.103 had P.D. arrears (PD on July 2002) was purchased by the consumer/applicant in August 2002. But the change of name done in January 2012 and February 2012. As per 10.5 of MERC Regulations, 2005, P.D. arrears of the said premises shall be charged on the new

owner / occupier of the premises. As per inspection report, therefore, notice of payment of PD arrears was issued to the consumer herein and upon non-payment thereof the said amount of Rs.27,493.29 has been debited to the live account of the consumer bearing No. 0200951762.

4] We have heard both sides. The consumer herein has purchased the duplex bearing No.03 and 103 (one above after) in August, 2002. It appears that there was a separate supply connection to the flat No.103 which was done PD in July 2002. Thus when present consumer has purchased the entire duplex 03/103 in August 2002, there was only one supply connection in the entire premises i.e. 0200951762 which is still live and consumer has been paying bills thereof regularly. There is absolutely nothing to indicate that this consumer had knowledge about any other supply connection in the said premises which is done P.D. before purchase of the said flat. There is one point raised that change of name has been done in January and February 2012. Even then PD bill of the other supply connection was not issued to present consumer till 2016. The notice of recovery in question was issued on 28th December 2016. The claim of the Licensee is therefore barred by limitation. The notice of recovery is therefore bad in Law.

Hence the order.

ORDER

- 1] Grievance application of consumer stands allowed.
- 2] The notice of recovery of PD bill in respect of consumer No. 020020951746 for Rs.27,493.29 issued in the name of Shri Prakash Purshottam Choudhari is hereby quashed.
- 3] The bill dated 14/8/2017 in respect of consumer No. 020020951762 is hereby quashed to the extent of addition of PD bill of consumer No. 020020951746 therein.

- 4] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 11/10/2017.

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

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

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

- 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.