



**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/532/628 OF 2011-2012 OF**  
**SHRI KALU CHINDHU BADAME , WASIND, TAL : SHAHAPUR**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL .**

Shri Kalu Chindhu Badame,  
Arun Foot Wear, Gerse Road,  
House No. 111 - K, Wasind  
Tal : Shahapur, Dist : Thane – 421 604

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Assistant Engineer  
Shahapur Sub-Division

(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 consumer is a L.T. consumer of the licensee. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 18/07/2011 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Shri Kalu Chindhu Badame

Address: - As given in the title

Consumer No : - 015510348149

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/501 dated 18/07/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. AE/Shahapur Sub-Dn/Billing/1648, dated 08/08/2011.
- 4) Hearing was held on 08/08/2011 @ 15.00 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Kalu Chindhu Badame, consumer & Shri R. V. Purohit Nodal Officer, Shri V. H. Kasal, Asstt. Engr., Shri S. M. Wishe, Asstt. Acctt. 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. Submissions made by each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.

- 5) The brief facts of the grievance application are as follows :
- a) Complainant is a consumer of licensee and is having a Foot Wear Shop at Grese Road, Washind, Tal : Shahapur.
  - b) According to the consumer he has applied for commercial electricity supply to his shop on 06/04/2005 and paid the amount as per the quotation on 11/04/2005 vide Receipt No. 0721921.
  - c) It is the contention of the consumer that he was paying the amount as per bills regularly however, when he noticed that the licensee has been issuing him the bills as per residential tariff instead of commercial tariff, he immediately intimated to rectify the mistake.
  - d) It is further contended by the consumer that for several times he approached the officials of the licensee but none paid heed ultimately he informed to the Executive Engineer Kalyan Rural Division, Kalyan by letter dated 16/07/2010 to charge the tariff as per commercial use.
  - e) It is further pleaded by the consumer that after receiving his letter, instead of rectifying the mistake the Flying Squad Rural Division Kalyan visited his Shop / premises on 22/12/2010 and issued him an assessed bill under Section 126 of Electricity Act 2003 showing arrears with a remark of "Theft".
  - f) Consumer further states that he has approached I.G.R. Cell, however without giving him an opportunity, I.G.R. Cell informed him by letter dated 22/01/2011 that his grievance comes under Section 126 of Electricity Act 2003 and his complaint cannot be registered.

- g) It is also contended by the consumer that licensee compelled him to pay the assessed amount and threatened him to remove his meter, if he fails to pay the amount. Ultimately he paid the assessed amount on 24/12/2010.
- 6) The grievance of the consumer is that he has suffered a lot because of the insulting "Theft" remark on his electricity bills which is not committed by him. Consumer therefore approached the Forum and requested that :
  - a) Rs. 25,000/- be awarded to him for mental agony and directions be given to that effect to the licensee.
  - b) Licensee be directed to remove the remark of "Theft" from his electricity bills.
- 7) After receiving the notice by the Forum licensee approached and stated that :
  - a) Consumer has taken the electricity connection for residential purpose but he is using the same for commercial purpose.
  - b) On 22/12/2010 a Flying Squad Kalyan Rural area Kalyan visited the premises of the consumer and found that consumer is using the electricity supply for commercial purpose but he is receiving the bills as per residential tariff.
  - c) Licensee further averred that since consumer is conducting the business in the said premises hence he has been assessed for one year as per Section 126 of Electricity Act 2003 and raised the bill of Rs. 4,170/- to the consumer.
- 8) It is admitted position that the assessed amount has been paid by the consumer.

- 9) We have gone through the record placed before us and after scrutiny our observations are :
- a) A – 1 form dated 02/04/2005 on record clearly shows that the consumer has applied for commercial purpose.
  - b) Letter dated 16/07/2010 shows that consumer has intimated to the licensee that, it has charging him as residential tariff instead of commercial tariff. His request to charge him as per commercial tariff shows his bonafides.
  - c) Licensee having wrongly not changing the tariff residential to commercial cannot take advantage of it's own wrong and penalise the consumer.
  - d) Though as per Section 126.6 (b) (iv) of Electricity Act 2003 unauthorized use of electricity means the usage of electricity for the purpose other than for which the usage of electricity was authorized. However consumer cannot be held liable for the recovery purely on the subsequent report of licensee since he has shown his bonafide intensions by approaching Sub-Division Officers and making several requests to rectify the tariff from residential to commercial.
  - e) Licensee has wrongly collected the amount by way of assessment under Section 126 and hence it is bound to refund the amount with R.B.I. rate of interest from the date of recovery till final payment.
  - f) Record shows that consumer clearly pointed out by his letter dated 16/07/2010 that tariff be charged as per commercial use since he is using the electricity for his shop purpose but the licensee did not pay heed. Due to inaction and carelessness consumer suffered a lot because of the remark of "Theft" on his electricity bills hence licensee is liable to pay

compensation for the mental torture and the agony suffered by the consumer which can be quantified to Rs. 2,500/- as just and proper.

10) Taking into consideration all the above points we pass the following order :

**O-R-D-E-R**

- 1) The grievance application is allowed.
- 2) Licensee is directed to rectify the mistake of tariff as residential to commercial on the electricity bills of consumer.
- 3) Licensee is directed to issue the bills as per commercial tariff from the date of inspection i.e. 22/12/2010 by giving credit of Rs. 4,170/- with R.B.I. rate of interest.
- 4) Licensee is directed to remove the remark of "Theft" from the electricity bills of the consumer.
- 5) Licensee is directed to pay compensation of Rs. 2,500/- (Rs. Two Thousand Five Hundred only) to the consumer within 90 days and compliance be reported within 100 days from the date of receipt of this decision.
- 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 : 13/09/2011

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan