



**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Date of Grievance : 10.11.2014**

**Date of Order : 10.03.2015**

In the matter of recovery of exorbitant billing & clubbing of common meters

**Complainant**

Mr.Narayan T.Pujari ,  
A-Wing, Lunkad Sky Cruz,  
Vimannagar, Pune-411014.

(Herein after referred to as Consumer)

**Versus**

Executive Engineer,  
M.S.E.D.C.L.,  
Nagarroad Division,  
Pune.

**Respondent**

(Herein after referred to as Licensee)

**Quorum**

**Chair person**  
**Member Secretary**  
**Member**

**Mr. S.N.Shelke**  
**Mr. Y. M.Kamble**  
**Mr.S.S.Pathak**

**Appearance**

**For Consumer**

**Mr.Narayan T.Pujari**

**For Respondent**

**Mr.G.M.Kadale,**  
**Ex.Engineer**  
**Nagarroad Division.**  
**Mr.Girish Bhagat,**  
**Addl.Ex.Engr.**  
**Nagarroad S/dn.**  
**Mr.A.S.A.Khan**  
**Dy.Manager(F&A)**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 19.11.2014 passed by IGRC Rastapeth Urban Circle, Pune thereby rejecting the grievance

application, the consumer above named files the present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Nagarroad Division, Pune vide letter no. EE/CGRF/PZ/Notice/34 of 2014/218 dtd.21.11.2014. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 05.12.2014.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
  - i) Mr.Narayan T.Pujari has purchased the same premises from M/s.NUTech Constn. Pvt.Ltd., on 6<sup>th</sup> June 2012 prior to that the said connection was released from 26.08.2007 in the name of M/s.NU Tech Cosntn. Pvt. Ltd., (Consumer No.170176938881 for 30 KW commercial load).
  - ii) Electric connection bearing consumer No.170176938881 was standing in the name of M/s. N U Tech.Cosntn. Pvt.Ltd.,
  - iii) After purchase of the said property Mr.N.T.Pujari leased out the said property for hotel business & executive leave & license agreement in the name of Shivsagar Foods & Resort Pvt. Ltd., Fish N Bait & Aura Ban Quets & registered under Shops and Establishment Act,1948 on dt.4.01.2013, 17.06.2014 & 17.06.2014 respectively vide no.Yerawada/IV/1113, Yerawada/IV/1373 & Yerawada/ II/31045 respectively.
  - iv) The Licensee did not take a meter reading of the said consumer for 68 months of consumer No.170176938881.
  - v) The Licensee issued provisional bill to M/s. N U Tech.Cosntn. Pvt.Ltd.,consumer for the period from Nov.2007 to Feb.2013 for Rs. 11,29,912.93 for reading of 116527 Units.
  - vi) The Licensee i.e. Ex. Engineer, Nagarroad Division issued notice under Section 56 of Electricity Act-2003 to the consumer dated 8.5.2013 for disconnection of supply.
  - vii) The Licensee made spot inspection of the premises on 25.07.2013.
  - viii) M/s.N U Tech Constn. Pvt. Ltd. Made the payment of amounts of Rs.5,00,000/- on 19.03.2013, Rs.8,14,320/- on 27.05.2013 & Rs.3,82,140/- on 25.07.2013 against unbilled connection of consumer bearing No. 170176938881

- ix) After making payment of bills by M/s.NUTech Constn. Pvt. Ltd. the said connection was transferred in the name of Mr.N.T.Pujari (present consumer) in the month of Nov.2013.
  - x) The said premises is consisting of ground plus two floors & running Hotel business in the name of Shivsagar Foods & Resort Pvt.Ltd. is on ground floor, Fish N Bait on 1<sup>st</sup> floor, & party hall Aura Ban Quets on 2<sup>nd</sup> floor.
  - xi) IGRC, RPUC, Pune rejected the grievance vide impugned order dated 19.11.2012 stating that the said consumer was not the consumer of Licensee during the period Aug.2007 to Feb.2013 & that clubbing of meter since power supply used by same owner for one business.
- 5) Consumer namely Mr. N. T. Pujari submitted that the Licensee failed to issue regular bills every month. He further submitted that previously the said connection was in the name of M/s.NUTech.Constn.Pvt.Ltd. & then Shri.N.T.Pujari purchased the said property from M/s.NUTech Constn. Pvt. Ltd., on 6.6.2012. Subsequently said connection was transferred in the name of N.T.Pujari in Nov.2013. The Licensee did not issue the energy bills to the previous consumer for 68 months. On 27.02.2013 Licensee made spot inspection of the premises. Thereafter the licensee suddenly issued bill for the period from Nov.2007 to Feb.2013. On 19.3.2013 supply was disconnected without notice & thereafter Licensee forcibly recovered amount of Rs.16,09,460/- from him. The Licensee cannot recover arrears from more than 6 months. Therefore amount of energy bill recovered as above be refunded with interest. He further submitted that in the said premises separate business are being running in the name of different businessmen. Each floor has been let out to different business on leave & license basis. Therefore clubbing of meter in the said premises is illegal. Therefore he may be refunded amount of clubbing of meters with interest.
- 6) On the other hand, MSEDCL was represented by Mr. G.M.Kadale, Ex.Engineer, Nagarroad Division, Mr.Girish Bhagat, Addl. Ex. Engineer, Nagarroad S/dn. & Mr.Khan, Dy.Manager (F&A). They submitted that the premise of consumer was inspected by the Licensee on 27.02.2014. At that time reading of 116527 KWH was noticed on meter No.MSE 68199, secure make, capacity 50/5 Amp. CT operated meter. The supply was being used for hotel business. The said supply was released on 26.08.2007 but bill was not issued to the consumer. Therefore the bill of 116484 units was divided in 68 months. There after the previous consumer namely M/s.NUTech Constn. Pvt. Ltd.

was requested for depositing of bill. Accordingly M/s.N U Tech i.e. the old consumer deposited energy bills of Rs.5,00,000/- on 19.03.2013, Rs.8,14,320 on 27.05.2013, & Rs.3,83,140/- on 25.07.2013. Thereafter the said connection was transferred in the name of Mr.N.T.Pujari (present consumer) in Nov.2013. The previous consumer since made the payment of energy bills of the power consumed by him, the said amount cannot be refunded to the present consumer i.e. N.T.Pujari. They further submitted that the present consumer is running hotel business in the said premises in the name and style as Shivsagar Foods & Resort Pvt.Ltd. the said hotel business is running in the name of Shivsagar Foods & Resort Pvt. Ltd. on the ground floor, "Fish N Biat" on the 1<sup>st</sup> floor & Aura Ban Quets on the 2<sup>nd</sup> floor. Fish N Biat & Aura Ban Quets are the units of Shivsagar Foods & Resort Pvt. Ltd. which are in the same premises business is also same owned by Mr. N.T. Pujari. Therefore clubbing of meter in the same commercial complex was necessary & accordingly the said clubbing of tariff difference bill was made due to higher slab of connected load other than individual load.

- 7) Following points arise for our determination. We record our findings thereon for the reasons stated below :

Points	Findings
i) Whether consumer is entitled to get refund/adjustment of energy bills with interest ?	No
ii) Whether clubbing of meters in the said premises is necessary?	Yes.
iii) What order ?	As per final order.

- 8) It has come on record that the Licensee made spot inspection of the said premises on 27.2.2014. They noticed that meter reading of said meter was recorded 116527 units of consumer No. 170176938881. Thereafter the said units of 116484 were divided in 68 months. Licensee further noticed that the energy was being consumed for hotel business. The said premises was purchased by the present consumer on 06.06.2012 & connection was transferred in the name of present consumer (MR.N.T.Pujari) in the month of Nov.2013. Admittedly, prior to purchase of said property by the present consumer the energy was consumed by the previous consumer. Licensee requested the previous consumer to pay the arrears of bills. Accordingly the previous consumer namely M/s.NU Tech Constn. Pvt.Ltd., made payment of bills of Rs.5,00,000/- on 19.03.2013, Rs.8,14,320 on 27.05.2013, & Rs.3,83,140/- on 25.07.2013 by instalments. The said

previous consumer has not made any grievance about refund of payment of above mentioned bill. Therefore the amount paid by previous consumer towards energy bills cannot be refunded to the present consumer. Hence we answer

- 9) Now as regards clubbing of meters in the same premises is concerned Regulation No.2.2.5 of MERC (Electricity supply code & other conditions of supply) Regulations, 2005 reads as under;

*2.2.5 MSEDCL shall not permit any Applicant /Consumer to have two or more independent power supply connections for an identical purpose in one common premise. In case the Applicant/consumer intends to use the power supply in a common premises for two different purposes, like Domestic along with Non - Domestic or General Motive Power along with Non-Domestic, etc. the Applicant/ Consumer may separately apply for independent power supply for each of such purposes, which the MSEDCL may permit provided release of such two connections to one common premises for different purposes is found technically feasible.*

- 10) The Licensee has issued Commercial Circular No.110 vide PR-3/ Tariff/4778 dtd. 16.02.2010 for clubbing of common meters of residential housing societies & Commercial Complexes. The said Circular to the extent of relevance reads as under.

*In view of above, if only one common connection is provided for such type of Residential Housing societies & Commercial Complexes, instead of giving separate three or four connections, it will reduce expenses of manpower and materials, reduce cost of maintenance, increase revenue as the units used & registered in a single meter will attract higher slab of tariff. Prompt payment by such consumers is expected as default would result in disconnection, leading to stoppage of lift, common area lighting & Water Pump service simultaneously. Also this will be in line with the MERC Regulation and MSEDCL's Commercial Circulars.*

- 11) The Licensee has issued to additional guidelines for clubbing of common meters under Commercial Circular No.123 vide No.PR-3/Tariff/31671 dtd. 14.10.2010. The said circular to the extent of relevance reads as under.

*In this regard, it is observed that , in some existing connections, it is not possible technically and/or physically to club such type of connections. In view of this, it is decided as under ;*

- a. In case, it is not possible to club the meters of Residential Housing Societies & Commercial Complex, unit consumption of all the meters are to be added in one of the single meter and billing is to be done as per slabs & tariff determined by MERC for Residential Housing Societies & Commercial Complexes (According to dominant/main use of electricity in the premises).*
- b. In future all new common purpose connections of the Residential Housing Societies & commercial Complexes are to be released on single common metering point only. Any separate meters issued will be viewed seriously.*

- 12) Therefore in view of Regulation No.2.2.5 and Commercial Circulars No.110 & 123 referred to above, the consumer namely Mr.N.T.Pujari after purchasing the property from M/s.NU Tech Constn. Pvt. Ltd. allotted the said premises for hotel business to three different customers under leave & license agreement & power supply is being used for common purpose i.e. hotel business by one owner & in one premises. Therefore it is necessary to club meters in the said premises. Hence we answer point no.2 in the affirmative.

- 13) However it is seen from the record that the Licensee has recovered the tariff difference in respect of connection No.170176938881 and 160231570265 billing on higher slab rate of 116527 units which was unbilled though power was consumed i.e. Rs.2,76,300/- & tariff difference against consumer No.160231570265 of Rs.34,990/- respectively without clubbing of meters. Therefore said amount has been recovered unauthorisely and it should be repaid to the consumer by the licensee. To this extent we find substance in the grievance of the consumer. Hence we partly allow the grievance.

14) Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 to 7.12.2014 & CGRF member post was vacant from 1<sup>st</sup> Nov.2014 to 1<sup>st</sup> Feb.2015. Hence grievance could not be decided during a period of 2 months.

Hence the order

**ORDER**

1. Grievance application is partly allowed.
2. Amount of Rs.2,76,300/- & Rs.34,990/- in respect of clubbing of meter be refunded to the concerned consumer required.
3. Clubbing of all meters to be required by single meter.
4. Licensee to report compliance within one month of receipt of this order.

Delivered on: -10.03.2015

Y.M.Kamble  
Member/Secretary  
CGRF:PZ:PUNE

Suryakant Pathak  
Member  
CGRF:PZ:PUNE

S.N.Shelke  
Chairperson  
CGRF:PZ:PUNE