



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/E/1615/1951 of 2019-20**

Date of registration : 26/09/2019

Date of order : 19/11/2019

Total days : 54

**IN THE MATTER OF GRIEVANCE NO.K/E/1615/1951 OF 2019-20 OF SHRI.BALA LAKHANDAR CHAURASIA, C/O. GALA NO.9, R.C.INDL.ESTATE, WAKANPADA, PELHAR, TAL.VASAI, DIST. PALGHAR, PIN CODE – 401 209 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF NOTICE.**

Shri.Bala Lakhandar Chaurasia,  
C/o. Gala No.9, R.C.Indl. Estate,  
Wakanpada, Pelhar, Tal.Vasai,  
Dist. Palghar, Pin Code – 401 209  
(Consumer No. 001940154894 LT-V Ind.) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Throughit'sNodal Officer/Addl.EE.  
Vasai Circle, Vasai . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.N.V.Waghmare, UDC, Vasai (E) S/dn.

For Consumer - 1) Shri.Bala Lakhandar Chaurasia (C.R.)  
2) Shri.Vasant Vaze (C.R.)

[Coram- Shri.A.P.Bhavthankar -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. [Electricity Supply Code and other conditions of supply Regulations 2005]. 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.

2) The Consumer complaint no. 1951 of 2019, Shri. Bala Lankhadhar Chaurasiya, Gala no 9 ,R C Industrial Estate, Wakanpada, Pelhar, Tal : Vasai, Dist. Palghar, Pin Code- 401 209 V/s Addl. Executive Engineer, Vasai(E ) S/dn. Consumer complaint is there are 11 galas on the premises of R.C. Industrial Estate. This was a joint property in the name of Chaurasia family. Initially connections were standing in the name of Rajendra Chaurasia. The disputed bill is in the name of Shri.Bala Lakhandar Chaurasia. However the user was Rajendra Chaurasia. The supply to this premises was from 15/06/2013.

According to the consumer, on the disputed bill , gala number is shown as 9, however the supply to this gala was used from gala number 4.On 07/08/2018 a Flying Squad unit inspected this premises (Gala no.4) and found that bills were issued as per MF-I instead of MF-2. Hence provisional bill of Rs.6,52,380/- was issued for the period of 15/06/2013 to 23/10/2018.It is submitted by the consumer that when the bill was issued to the consumer (Shri.Bala Lakhandar Chaurasia) he took objection stating that though gala no. 4 stands in his namebut it is used by Rajendra Chaurasia and hence he is not liable to pay the bill.It is further submitted by the consumer that in a subsequent development on 07/09/2018,RajendraChaurasia applied for P.D. of this connection (i.e. Gala No.4) by making a fake signature of the consumer. Meanwhile it was also decided before the officials of Licensee that this provisional bill will be paid by the consumer Rs.1,21,260/- and Rajendra Chaurasia Rs.5,31,120/-. However Rajendra Chaurasia did not pay his part. The amount remained unpaid.

It is also stated by the consumer that in Aug to Sept-17 the above named family property was divided between these brothers and Gala no. 3 and Gala no.9 was allotted to the consumer. However there is no electricity supply in gala No.9. Hence consumer asked for new connection. It is pleaded by the consumer that Licensee is not releasing the connection to gala no.9 stating that the dues are pending. It is stated by the consumer that this recovery is levied on him is illegal. Consumer therefore prays that:

- i) The new connection to gala no.9 be released.
- ii) The recovery levied be restricted to 2 years only.

After filing Grievance Application before forum on 26/09/2019 Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/395 dt.26/09/2019.Licensee appeared but did not file detail reply though sufficient time was granted, finally submitted reply on 11/10/2019. In its reply Licensee contends that, as per consumer application, his supply was permanently disconnected in m/o Nov'18. Consumer has not filed case in IGRC. For arrears of consumer no 001940154894 consumer had previously filed case in Forum vide case no K/N/155/1828 of 2018-19 in which the consumer has denied the connection with arrears of consumer no 001940154894. Now consumer is taking other stand that the arrears to be restricted to two years only. This forum has already rejected the claim of consumer in case no K/N/155/1828 of 2018-19 on 27/05/2019. Consumer approached Hon Ombudsman vide case no. 144/2019, but the same case also rejected by Hon.

Ombudsman on 28/08/2019. Consumer has filed this case second time with same grievance. Hence Licensee prayed to reject the consumer complaint.

I have perused document filed by consumer and Respondent utility carefully following point arose for my consideration to which I have recorded by finding to the points the reason given below.

**Points :**

- i) Whether forum has powers to entertain the grievance application of same consumer on same matter?
- ii) Whether consumer is entitle for any relief?
- iii) What order?

**Reasoning :**

I have given opportunity to the consumer and representative and the grievance was heard firstly on 29/09/2019 and subsequently many hearings took place. The forum has already passed order in the similar matter in which Forum has rejected the claim of new connection stating that, **'In any event it is clear that the MF arrears are in respect of connection of the same premises, as such denying supply by Distribution Licensee on account of arrears of old connection in the premises cannot be faulted'** We have heard the arguments of both the parties and have gone through the documents kept on record.

- i) Gala No.9 stands in the name of Shri.Bala Lakhandar Chaurasia.
- ii) During the arguments Shri.Bala Lakhandar Chaurasia tried to prove that the recovery pertains to Shri. Rajendra Chaurasia whereas.
- iii) In the grievance application consumer is stating that since Rajendra Chaurasia is the user, he is not liable to pay the provisional bill. However in the prayer clause consumer is asking that his liability be restricted to 2 years only as per clause 56 (2) which shows that consumer intentions are not bonafied.

Licensee was directed to produce S.V. report of Gala no.4 to check whether the supply is on and if yes then who is the user? and produce the documents (A-1 and other) of that connection. We have also send notice to Rajendra Chaurasia but he did not remain present.. Hence I am inclined to partly allow the grievance and proceed to pass order.

Hence the order

**ORDER**

- 1) The Grievance application no.1951 is partly allowed.
- 2) Licensee is directed to revise the disputed bill for two years as per section 56 (2) without interest and DPC.
- 3) Consumer to pay this revised bill in six installments along with the current bill.

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

Date: 19/11/2019

Sd/-  
(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

Sd/-  
(A.P.Bhavthankar)  
Chairperson  
CGRF, Kalyan

Sd/-  
(A.P.Deshmukh)  
MemberSecretary  
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.