



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/Others/04/1011 of 2014-15                      Date of Grievance : 11/11/2014  
Date of order : 11/12/2014  
Total days : 30 days.

**IN THE MATTER OF GRIEVANCE NO. K/Others/04/1011 OF 2014-15  
IN RESPECT OF ALI AKBAR ADAMJEE PEERBHOY KHATIJA  
LODGE, ELEPHISTONE ROAD, MATHERAN, DIST. RAIGAD – 410 102  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM  
KALYAN ZONE, KALYAN ON STREET LIGHT COMPLAINT IN  
BETWEEN ELEPHINSTONE RD & CHINOY ROAD.**

Ali Akbar Adamjee Peerbhoy,  
Khatija Lodge, Elphistone Road,  
Matheran,  
Dist. Raigad- 410 102,                      ..... (Hereafter referred as Applicant)  
V/s.

Maharashtra State Electricity Distribution  
Company Limited through its  
The Addl. Executive Engineer,  
Sub/Divn-Karjat  
MSEDCL, Pen Circle                      ..... (Hereafter referred as Licencee)

Appearance : For Consumer/Applicant –Shri Ali Akbar Adamjee Peerbhoy-In person.  
For Licensee- Shri Balaji Waghmode -Dy. Executive Engineer.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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 and Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] Applicant approached this Forum with a grievance dated 11/11/2014, contending that the area wherein he is residing though street lights are provided by Matheran Gristhan Nagar Parishad, appropriately supply is not maintained by Licencee.

On receiving the grievance, Forum perceived that this is an aspect involving peculiar relief and applicable to the residents in the particular area . It was made known to us, producing the copy letter of Nagar Parishad addressed to Licencee for setting right of position vide letters dated 12/1/2010 and 2/4/2012. Even consumer on that count addressed letter to Chief Engineer on 10/1/2014, but there was no response. We thought it proper to give a chance to the Matheran Gristhan Nagar Parishad to attend and to make the position clear whereby we may take up this matter under Clause 6.20 (a) of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006.

Accordingly, letter was addressed to the Nodal Officer vide letter No. EE/CGRF/Kalyan/0405 dated 12/11/2004 and copy given to Chief Executive Officer of Matheran Gristhan, Nagar Parishad for attending the matter on 26/11/2014. Accordingly matter was fixed on 26/11/2014, none attended for Nagar Parishad and no any reply filed by Licencee and at the

request of Licencee matter was adjourned to 2/12/2014. It's intimation was given to Matheran Gristhan, Nagar Parishad by email dated 28/11/2014. Accordingly matter taken up on 2/12/2014 and none attended for Nagar Parishad. Applicant attended, Dy. Executive Engineer though attended, not filed any reply.

3] Matter was discussed, but we noted that in absence of Matheran Gristhan Nagar Parishad, who is the consumer this peculiar grievance cannot be dealt though it is brought to us by applicant. Section 2(15) of Indian Electricity Act 2003 clearly speaks about the consumer who can approach this Forum. For ready reference said section is reproduced as under:-

“.... ”Consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other Law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a Licensee, the Government or such other person, as the case may be; ...”

On close reading of this section, it is clear that present applicant though provided with the facility of street light by Nagar Parishad. Nagar Parishad is the consumer of Licencee and unless Nagar Parishad places any grievance before this Forum, it cannot be considered. We are aware about consequences therein but Forum cannot transgress its jurisdiction which is laid down under the Electricity Act, more particularly above definition of consumer. Accordingly we find this grievance is to be dismissed as it is not within the jurisdiction of our Forum, in absence Matheran Gristhan Nagar Parishad attending and making the position clear.

Hence the order.

**ORDER**

Grievance of applicant is hereby dismissed as he is not consumer within the definition of section 2 (15) of the Electricity Act, 2003.

Dated: 11/12/2014.

I agree

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF, Kalyan

(Sadashiv S.Deshmukh)  
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.

We both present, None attended for Licencee, none attended for Matheran Giristhan Nagar Parishad

2] Matter taken up. It is informed to our member secretary that Nodal Officer who was working is transferred and hence they are not able to attend the Forum. He is made aware that his complaint is peculiar in nature is difficult with the Officers of Licencee to attend, time is sought.

3] With the help of consumer, consumer's representative and material on record, following factual aspects are disclosed:

a] Consumer is having residential supply LT-I one phase. 048244000404. The said supply is available from 18/4/1992.

b] There is no dispute of period prior to July 2012.

c] Dispute is pertaining to the period from July 2012 to October 2013 and meter in the consumer's premises was changed in July 2012 only. For these 16 months i.e. from July 2012 to October 2013 meter was working, but bills were issued showing 83 units per month and it was not as per the actual reading. Reading itself was not taken. Consumer paid bills issued for 83 units per month regularly.

d] Consumer received a bill in the month of November 2013 for Rs.24,294/- of 3995 units, it was of huge amount and for heavy consumption shown. Towards it consumer deposited Rs.2500/- on 2/12/2013 and Rs.3000/- on 31/12/2013. Thereafter consumer received bills covering the period from October to December 2013, showing previous reading 3995 units and correct reading 4924 units consumed 293. For January 2014 bill received, showing previous consumption 4229 current reading 4372, consumed units 88 and for February 2014 previous reading is shown 412, bill reading is shown 4368 units and consumed as 53 units. Accordingly average of 65 months is worked out to 83 units.

e] It is contended that consumer addressed letters to the Licencee from time to time. When there was instance for paying amount and amount was not paid, supply of consumer is disconnected on 25/2/2014. Thereafter consumer was asked to pay the amount, hence he gave letter of undertaking on 21/4/2014 to pay the amount @ Rs.2000/- per month that too without prejudice to his rights. Previously he has written letter dated 10/3/2014, making grievance about disconnection in spite of dispute. He addressed one more letter on 28/10/2014, seeking bills as per reading shown in the meter. He has approached Janjaguruti Grah Manch Raigad and they had addressed letter to Asst. Engineer on 13/3/2014. It is contended that one of these letters pertaining to the grievance of consumer is head and decided.

3] Accordingly, consumer approached this Forum with a grievance on 11/11/2014. He is seeking relief about the failure on the part of the Licencee to record reading regularly per month, issuing bills of extra units, though average of less units.

4] Let reply of Licencee is to be received and on receiving it further aspect will be discussed and dealt with.

Dated: 26/11/2014.

**(Chandrashekhar U.Patil)**  
**Member Secretary**  
**CGRF, Kalyan**

**(Sadashiv S.Deshmukh)**  
**Chairperson**  
**CGRF, Kalyan**