

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

---

**IN THE MATTER OF GRIEVANCE NO. K/E/576/681 OF 2011-2012 OF**  
**MRS. SMITA MANOJ SURWADE, ULHASNAGAR REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT EXCESSIVE ENERGY BILL .**

Mrs. Smita Manoj Surwade  
Opp. A Block, 298 / 596  
Daha Chawl  
Ulhasnagar – 421 004

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer Ulhasnagar  
Sub-Division No. IV

(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

Grievance No. K/E/576/681 of 2011-2012  
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 12/01/2012 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Mrs. Smita Manoj Surwade

Address: - As given in the title

Consumer No : - 021514501391

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/087 dated 12/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/ULH-4/T/69, dated 23/01/2012.
- 4) Emergency Hearing was held on 25/01/2012 @ 17.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Manoj Surwade Consumer Representative & Shri Kale Nodal Officer, Shri Kashal, Asstt. Engr., Shri G. T. Pachapohe, Dy. Ex. Engr., Sanjeevani Jadhav Jr. Engineer representatives of the licensee attended hearing. Second hearing was held on 07/02/2012 @ 16.30 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Manoj Surwade Consumer Representative & Shri Kashal, Asstt. Engr., Shri G. T. Pachapohe, Dy. Ex. Engr., representatives of the licensee attended hearing. Minutes of both the hearings including the submissions made by the parties are recorded and the same are kept in the record.

- 5) The brief facts of the case are as follows :
- a) The consumer had obtained electric connection from the licensee for her house situated at Opp. A Block, 298 / 596, Daha Chawl, Ulhasnagar – 421 004 and using the supply only for residential purpose since 1999.
  - b) It is the contention of the consumer that she is paying the electricity bills regularly till date. However, in the month of October 2011 she received a inflated electricity bill of Rs. 8,530/- as the licensee has charged the bill as per commercial tariff instead of residential tariff.
  - c) The consumer further states that she has fixed advertising board naming “Surwade Classes” at her house.
  - d) It is pleaded by the consumer that on 14/10/2011 the licensee conducted a spot inspection at the above address when the consumer and her husband were not present.
  - e) The consumer submitted that licensee after spotting the board of coaching classes at her house assumed that the consumer is using the supply for commercial purpose, charged her as per commercial tariff, which according to the consumer is unlawful. According to the consumer, the licensee even failed to provide the copy of spot inspection report to her.
  - f) It is further stated by the consumer that she therefore approached I.G.R. Cell and as per the decision of I.G.R. Cell she has paid 25% of the total bill amount and ready to pay the subsequent bills under protest.
  - g) Grievance of the consumer is that inspite of her follow-up with the licensee to rectify the electricity bill, the licensee did not heed to her request. The consumer therefore approached the Forum with request that :
    - (i) The licensee be directed to revise the bills charged as per commercial tariff.

- (ii) The licensee be directed not to disconnect the electricity supply of her house till the final disposal of this grievance application.
- 6) Notice was issued to the licensee who appeared and submitted as under :
  - a) The licensee stated that the Damini Squad Kalyan Circle – II visited the site of the consumer on 14/10/2011. The licensee observed that the consumer is using electric supply from connection No. 021514501391 for her residence.
  - b) The licensee further stated that the Flying Squad also observed that the consumer is having two rooms out of which in one room there are benches and blackboard.
  - c) According to the licensee it has also observed that an advertising board of coaching classes naming “Surwade Classes” is also fixed outside the consumer’s house which shows that the consumer is using electricity supply for commercial purpose also, however, the billing is done as per residential tariff only.
  - d) The licensee submits that it has issued a recovery bill of Rs. 8,530/- to the consumer as per Section 126 of Indian Electricity Act 2003.
  - e) It is the contention of the licensee that since the consumer is using the electricity supply provided to her for residential purpose, it is also used for commercial purpose, the consumer therefore is liable to pay the recovery bill issued under Section 126 of Indian Electricity Act 2003.
  - f) The licensee further stated that as the consumer failed to pay the recovery amount, a disconnection notice dated 13/01/2012 was issued to the consumer.
  - g) It is submitted by the licensee that as per the Flying Squad report and Junior Engineer (Quality Control) report the consumer is liable to pay

recovery amount of Rs. 8,530/- and requested the Forum to dismiss the grievance application filed by the consumer.

- 7) After going through the submissions made by both the parties and the documents placed on record, our observations are :
- a) The licensee has conducted the spot inspection at the premises of the consumer when the consumer or her husband were not present.
  - b) Consumer or her representative's sign is not taken on the meter inspection report dated 14/10/2011 which is mandatory requirement as per Clause 8.4 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 which reads as under :

“Where there is a reason to suspect that an offence of the nature provided for in Part XII or Part XIV of the Act is being committed on a consumer's premises, the visit of the officer designated by the State Government under Section 126 of the Act or of the officer authorized by the State Government under Section 136 of the Act, as the case may be, shall be recorded in a logbook to be maintained with the Distribution Licensee along with the name of such officer and details of the visit to the consumer's premises :

Provided further that, where possible, two independent witnesses shall be taken for the visit and an inspection report prepared by such officer, of the findings of the visit to the consumer's premises, which shall be signed alongwith his remarks, if any, by the consumer and / or his representative and by such witnesses :

Provided also that the refusal of the consumer or his representative to sign on the inspection report shall also be recorded in the consumer report.

Provided also that a copy of the inspection report shall be provided to the consumer upon request.

- c) The copy of inspection report dated 14/10/2011 is not issued to the consumer by licensee which is mandatory requirement as per the provisions and rules and regulation of MERC.
  - d) The Inspection Report dated 14/10/2011 is not signed by the consumer or other witnesses as per the above Regulation.
  - e) There is no remark on the said report of Damini Squad that "Consumer has denied to sign the report."
  - f) The copy of the log book is also not produced by the licensee which is mandatory as per Commercial Circular No. 111, dated 09/03/2010 issued by Chief Engineer (Commercial) Mumbai.
  - g) I.G.R. Cell without giving any substantial reasons dismissed the grievance application of the consumer under Section 126 of I.E. Act 203.
  - h) The licensee's statement that consumer is having blackboard and benches in her house is not supported by photographs or affidavit or any other evidence.
  - i) In the case in hand the consumer representative (consumer's husband) submitted that at present he is not conducting any coaching classes in the above said premises, but it is his after retirement plans, hence he has fixed the advertisement board outside the house.
- 8) Taking into consideration all the above points we are of the opinion that the licensee is not entitled to charge the consumer under Section 126 of Electricity Act 2003 and to recover the amount of Rs. 8,530/-. We therefore pass the following order :

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

- 1) The grievance application is allowed.
- 2) Licensee is directed to charge the consumer as per residential tariff.

- 3) Licensee is directed to adjust the amount if recovered by the consumer under Section 126 of Indian Electricity Act 2003 in next ensuing bill.
- 4) Licensee is directed to revise the bills and adjust the amount if recovered excess by the consumer as per commercial tariff after 14/10/2011 and to adjust the amount in next ensuing bill.
- 5) Stay Order issued by this Forum No. EE/CGRF/Kalyan/0118, dated 25/01/2012 is hereby vacated.
- 6) Licensee is directed to report the compliance within 45 days from the date of receipt of this order.
- 7) 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”.*

- 8) 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 : 28/02/2012

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan