



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/474/558 OF 2011-2012 OF SHRI JAWAHAR H. SABHANDASANI (HOTEL JAWAHAR) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT CLUBBING OF METERS AND CHARGING OF BILL AS PER H.T. TARIFF.

Shri Jawahar H. Sabhandasani,
C/o. Jawahar Hotel,
Victory Building, Plot No. 93,
Ulhasnagar – 421 003

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Ulhasnagar Sub-Division - II

(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./ H.T. consumer of the licensee. The Consumer is billed as per Commercial tariff. Consumer registered grievance with the Forum on 20/12/2010 for clubbing of six meters and charging of bill as per H. T. tariff. The details are as follows: -

Name of the consumer :- Shri Jawahar H. Sabhandasani

Address: - As given in the title

Consumer No : - 021510397573

Reason of dispute : Clubbing of six meters and charging of bill
as per H. T. tariff.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/962 dated 20/12/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. 56, dated 15/01/2011.
- 4) The Members of the Forum heard both the parties on 19/04/2011 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri B. R. Mantri and Shri Kumar representatives of the consumer & Shri Purohit Nodal Officer, Shri Nemade, Dy. Ex. Engr., and Shri Kale Asstt. Engr., 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 consumers have taken six Nos. of electricity connections from the Distribution Licensee (DL) to their commercial activities running in Victory Building, at Ulhasnagar during the period 1990 / 2006 as follows :

SN	Consumer No.	Name of Consumer	Date of Connection	Installation
1	21510566502	Shri Murlidhar Hiralal Sabhandasani	15/07/1990	Little Bite Fast Food
2	21510397573	Shri Jawahar Hiralal Sabhandasani	10/06/1991	Jawahar Restaurant and Permit Room
3	21510588140	Shri Jawahar Hiralal Sabhandasani	10/06/1991	Vrindavan Open Lawns
4	21510716539	Shri Parasram Hiralal Sabhandasani	02/03/1996	Jawahar Lodge
5	21510688632	Shri Ghanshyam K. Sabhandasani	17/08/1995	Garden Open Court
6	21519050270	Shri Jawahar Hiralal Sabhandasani	07/08/2006	Jawahar A/C Marriage Hall

It is contended by the consumer that all these connections have been installed in the same premises for the convenience of the Meter Readers to record reading without loss of time. Some consumers use electricity daily and some are using as per clientele and season of marriage or other purposes. It is further contended that since the installation officials of the licensee frequently visited the site of installation of meters and not only this, additional load was sanctioned and released to the consumers in the month of April 2010 and inspite of this, without notice to the consumers, officials of the licensee under the pretext of special visit on 15/05/2010 directed to club all the six meters converting L.T. to H. T. tariff and raised and issued bill dated NIL due to pay on 17/09/2010 on difference of tariff of the amount

of Rs. 01,36,494=87 is under dispute. According to consumers clubbing of six meters and converting L.T. to H.T. tariff is unreasonable and against the rules and regulations of the MSEDCL. Consumer by letters dated 01/06/2010, 03/12/2010 requested the licensee to withdraw the said notice being unreasonable and illegal but not responded. Consumer moved the I.G.R.Cell but in vain hence the instant grievance with prayer to direct the licensee not to club six meters and to charge tariff as L.T. withdrawing the notice referred to above.

- 6) Licensee strongly opposed the contentions as above filing detail say dated 15/01/2011. It is contended that the special squad during the inspection on 15/05/2010 found the six number of electric connections in the premises having sanction load 226 KW come under H.T. connection category, therefore the consumers were apprised by letter dated 18/05/2010 to submit the proposal for clubbing these meters into one i.e. conversion L.T. – II to H. T. – II and accordingly the six meters were clubbed with the consent of the consumers after following due procedure, therefore now consumer cannot object for clubbing of meters and conversion of L.T. – II to H.T. – II tariff. It is contended that as per the rules of MSEDCL in one premises only one connection should be given for one purpose to avoid loss in billing and the other complications in the existing connections. Since six numbers of electric connections for commercial purpose in the same premises having sanctioned load of 226 KW since fall within H.T. – II category on the application of the consumer tariff from L.T. to H.T. was converted and accordingly bill for the difference in tariff of L.T. and H.T. category raised and issued to the consumer and the consumer is liable to pay the same as per the MERC Tariff Regulations on the ground “**One**

premises one connection”. It contended that bill under dispute is correctly prepared and the consumers are liable to pay the bill amount, however, to avoid to make payment instant grievance application has been lodged and the same be dismissed in limine with costs.

- 7) Consumers in support of the grievance filed voluminous documents i.e. energy bills, copies of partnership deeds, licences, Sales Tax TIL allotment letters, Licences given by Police Commissioner and Inspector of Shop Establishment Thane. As against this, Distribution Licensee rely on the Commercial Circular No. 110, dated 16/02/2010, and 123 dated 14/10/2010 and the related documents.
- 8) At the outset learned representative for the licensee inviting our attention to the reply dated 15/01/2011 urged that the consumer without approaching the I.G.R. Cell lodged this grievance in contravention to Clause 6.7 (b) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 and hence not maintainable. On perusal the record it is seen consumer filed grievance application before the Forum on 20/12/2010. By letter dated 17/02/2011 consumer informed that they already approached the I.G.R. Cell but no response was given. During the pendency of this grievance also consumer tried to seek redress of their grievance from the I.G.R. Cell but as seen from the letter dated 28/03/2011 they could not get redressed the grievance. Record shows consumer against the bill under dispute when approached the Forum with complaint dated 03/12/2010 this Forum by letter No. EE/CGRF/Kalyan/0883, dated 10/12/2010 had forwarded the said complaint to the Nodal Officer (I.G.R. Cell) with direction to render reasonable assistance to the consumer as required under Clause 6.2 of the

said Regulation. On the premise hardly lie in the mouth of the learned representative for the licensee that the grievance is not maintainable for non compliance of Clause 6.7 (b) of the Regulation. Documents placed on record clearly show that consumer tried to put forth his grievance before the I.G.R. Cell but he was not heard as usual. In this view of the matter we find no force in the submission of the licensee that the grievance is not maintainable and we hold that grievance is well maintainable.

- 9) So far crucial point as regards clubbing of six meters installed at one premises is concerned, according to consumer though six connections have been installed in one premises, activities for use of electricity are different and the establishments are also separate. Learned representative for consumer inviting our attention to the voluminous record urged with force that these six connections have been installed at one place to facilitate the Meter Reader to record the reading without loss of time, however, use of the electricity is quite different and that their establishments are also different therefore clubbing of meters used for different activities is against the rules and regulations. On perusal record it is seen Consumer No. 21510716539 in the name of Shri Parasram Hiralal Sabhandasani is for Lodging and Boarding, license issued by the Commissioner of Police Thane dated 18/12/1990 mentions to keep it open from 5.00 a.m. to 11.00 p.m., so far Consumer No. 21510588140 in the name of Shri Jawahar Hiralal Sabhandasani is for Vrindawan Lawns, Consumer No. 21510397573 in the name of Shri Jawahar Hiralal Sabhandasani is for Resturant and Permit Room, Consumer No. 21510566502 is in the name of Shri Murlidhar Hiralal Sabhandasani for Fast Food , Consumer No. 21510688632 in the name of Shri Ghanshyam

K. Sabhandasani for Garden Court, Consumer No. 21519050270 in the name of Shri Jawahar Hiralal Sabhandasani for Marriage Hall. Purpose of electricity for all these trade is one i.e. commercial, however some connections are in the name of other persons of the family as also seen from the deed of partnership. Though use of electricity is for commercial, however activities are different so also the establishments are different. Under the circumstance clubbing all the connections and accordingly to take reading and based on that to charge tariff is improper and contrary to the provisions of Law. Learned representative for the licensee in support of their case heavily rely on the commercial circular No. 110 and 123 referred to supra, however they are no avail in as much as those circulars are concerning to Residential Housing Society and commercial complexes for common lighting, lift, water pump. In the case in hand, all these clubbed meters were installed at one place for commercial purpose however establishments and the activities going on there are different therefore hardly all these meters can be clubbed. Clause 3.4.3 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 states **“Unless otherwise specified, all HT and LT charges refer to one point of supply and each separate establishment shall be given separate point of supply”**. At this juncture, learned representative for licensee contended that licensee is not under obligation to provide more than one connection on premises to the same person and therefore a notice under dispute issued to club six connections in one and to pay the differential amount Rs. 1,36,494=87 from the date from which a new tariff came into force. Licensee could not show any provision either in the Electricity Act 2003 or Regulation framed by

Hon. MERC preventing from a single person to have supply of electricity through six different connections for the same purpose in the same premises.

- 10) It is relevant to note here that according to licensee six connections were installed at one premises for the same purpose and therefore need to be clubbed. The term “installation” defined under the Indian Electricity Rules, 1956 as under :

2 (y) : “Installation” means any composite electrical unit used for the purpose of generating, transforming, transmitting, converting, distributing or utilizing energy”. The term premises has been separately defined in Section 2 (51) Electricity Act 2003 as under :

51 : “Premises” includes any land, building or structure.

It is clear from the above definition that “Installation” and the “Premises” carry the meanings assign to them in the Indian Electricity Rules 1956 and the Electricity Act 2003. Any other meaning assigned to them which is not in line with these definitions will be of no consequence. It is clear the term installation and the premises are quite independent. From the definition of the premises nothing prohibits the Distribution Licensee to grant separate electricity connection even when a single well is used by two sharing owners / occupiers etc. On going through the entire record and the rules and regulations we find action of the licensee clubbing six meters since used for same purpose is unreasonable and in contravention to the rules and regulations discussed supra therefore bill under dispute will have to be quashed directing the licensee to bill the consumers as per separate meter readings as was done earlier. Consequently grievance application will have to be allowed.

- 11) While parting with the matter it is to be noted that as per Clause 6.18 of the Regulation 2006 Forum has to decide the grievance within two months from the date of receipt. Record shows that grievance in the first instance was lodged on 18/12/2010 however as stated above by application dated 17/02/2011 consumer during the pendency of the grievance as per the provisions of the Regulation approached the I.G.R. Cell and as seen from the application dt. 28/03/2011 consumer pointed out that he did approach the I.G.R. Cell but in vain, hence eventually on 19/04/2011 this Forum heard the parties at length and consequently order is being passed today and as such the grievance is being decided well within the period of two months from 19/04/2011 vide Clause 6.18 of the Regulation. Hence the order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Bill under dispute for the amount of Rs. 01,36,494=87 is quashed and the licensee is directed to bill the consumers as per separate meter readings as was done earlier as per the provisions of Law within 30 days from the date of receipt of this decision and compliance should be reported within 45 days to this Forum.
- 3) 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”.

4) 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 : 25/05/2011

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan