



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO.K/N/013/0119 OF 07-08 OF
SMT ASHA SAMBHAJI LONDHE REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT DELAY IN RELEASING NEW CONNECTION OF ELECTRIC
SUPPLY

-
Smt Asha Sambhaji Londhe (Here in after
Shiv Kripa Co-Op Hsg Society referred to
Chawl No 1, Room No 7, Katemanavli as consumer)

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Deputy Executive referred to
Engineer Sub Division II, Netivali, Kalyan (E) as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of "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 registered grievance with the Forum on dated 25/10/2007.

The details are as follows: -

Name of the consumer: Asha Sambhaji Londhe

Address: - As above

Reason of dispute: - Delay in releasing new connection of electric supply.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No.1138 dated 25/10/07 to Nodal Officer of licensee. The letter was replied by licensee vide letter dated 07/11/07.

- 4) All three members of the Forum heard both the parties on 12/11/07.

The following persons were present as given below in table.

Persons present	On behalf of
Shri S. B. Jadhav (EE)	Licensee
Shri M. N. Pachlore (DYEE)	
Shri M. A. Atre (AE)	
Shri S. V. Mehendle (DA)	
Shri A. L. Lanke (UDC)	
Shri D. S. Pawar (LDC)	

Smt Asha Londhe	Consumer with her representatives
Shri Ravi Anand	
Shri S.W. Deshmukh	
Shri G. B. Singh	

EE stands for Executive Engineer, DYEE stands for Deputy Executive Engineer, AE stands for Assistant Engineer, DA stands for Divisional Accountant, UDC stands for Upper Division Clerk & LDC stands for Lower Division Clerk

- 5) The consumer approached Internal Grievance Redressal Cell (IGRC) on 07/09/07 for delay in releasing new electric connection & grant of compensation & action against concerned persons. IGRC during hearing on 5/10/07 requested consumer to submit to licensee original document i.e. ration card to verify correct address of consumer. Being aggrieved with the action taken by IGRC, consumer filed grievance with this Forum.
- 6) Smt Asha Londhe, Shri Ravi Anand & Shri Deshmukh took part in hearing. They made certain submissions. Brief summary of submissions made in consumer's application & during hearing, which has relevance & direct bearing in the matter of grievance, is reproduced.
 - i) Consumer purchased Room No 7 in Chawl No 1 (Municipal house No 927/6 in Survey No 106 of Hissa No 3) at Katemanivli village Vitthalwadi within Dombivli Kalyan Municipal Corporation area Taluka Kalyan, Dist Thane (here-in-after referred to as premises) from Shri Sambhaji Londhe in the year 2002 vide

agreement of sale dated 2/05/07. She took possession of premises on 2/05/07.

- ii) She applied for electric connection to licensee on 10/07/07 but acknowledgement was not given though demanded & she was asked to pay arrears of the electric connection given to that premises in the name of Shri Madhavsingh Bist bearing consumer No 020850241440.
- iii) She had to run from pillar to post to get the arrears details of the premises & quotation for getting electric connection but to no avail.
- iv) She then applied in writing to licensee on 17/08/07 showing her willingness to pay actual consumption charges of previous consumer & requested for immediate release of electric connection.
- v) Licensee on 21/08/07 issued two bills, one computer generated bill showing arrears of Rs 4040/- as on 3/08/07 & other one prepared by hand showing arrears of Rs 8969/-. She brought to the notice of licensee's staff discrepancy in these two bills but no reply was given & she was asked to pay Rs 8969/-.
- vi) This bill of Rs 8969/- was not showing any details of arrears claimed such as units consumed & meter number through which units were consumed. The study of Consumer's Personal Ledger (CPL) shows that billing was done on random basis. She, however, paid the said amount of Rs 8969/- on 22/08/07, as she wanted to take electric connection to her premises.

- vii) Thereafter she submitted A-1 form to licensee on 23/08/07 for releasing electric connection to her premises.
 - viii) She received letter dated 23/08/07 from licensee on 24/08/07 asking her to clarify certain points about the premises though it was already submitted along with A-1 form. She also received a quotation of Rs 1038/- on 27/09/07 as charges payable for releasing new connection to the premises.
 - ix) Licensee at last released the electric connection to her premises on 6/10/07.
- 7) Consumer made following prayers in his application & during hearing.
- i) Grant compensation for delay in releasing new electric connection @ Rs 100 per week from 10/07/07 to 6/10/07
 - ii) Grant compensation of Rs 10000/- for physical harassment, mental torture & agony.
 - iii) Action against licensee's officer for dereliction of duties such as non recovery of arrears from previous consumer of premises even after permanent disconnection of supply & making the present consumer to pay the same before release of electric connection.
 - iv) The amount of Rs 8969/- paid by consumer on 22/08/07, which according to her does not pertain to that premises, should be refunded to her along with interest.
- 8) Shri Pachlore during hearing & vide letter mentioned in Para 3 above made submissions. The abstract of submissions is given below.

- a) The consumer first submitted application on 17/08/07 showing her willingness to pay arrears of previous consumer of that premises. She is making allegation of having approached licensee on 10/07/07. She demanded copy of CPL of previous consumer of that premises vide her letter dated 21/08/07.
- b) An arrears bill of Rs 8969/- of previous consumer of that premises, Shri Madhavsingh R Bist having consumer No 020850241440, was handed over to her on 21/08/07.
- c) She paid the said amount of Rs 8969/- on 22/08/07.
- d) Her advocate Shri Pradeep Thakkar submitted letter on 22/08/07 giving copy of ration card in support of her residential address.
- e) She submitted A-1 form on 23/08/07 for releasing new connection as required as per Regulation No 4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. (Called SC, 2005 hereafter)
- f) The said application form was duly registered on same day vide ATN No 3710.
- g) On scrutiny of form discrepancy about details of premises was noticed. A-1 form was showing premises detail as room No 7 in chawl No 1 while premises details mentioned on ration card was room No 6 in chawl No 2. She was asked to give compliance report for this discrepancy vide letter dated 23/08/07, which was delivered to her premises on 24/08/07 to her representative Shri Azhar Shaikh.

- h) Shri Pachlore along with Shri Parjapati Junior Engineer & Shri Patil Assistant Line Man visited the premises of consumer on 24/08/07 to inspect the feasibility of releasing electric connection. During visit consumer No 020850241440 painted in black paint was found on meter board.
 - i) Again on 27/09/07 reminder was issued to her & a firm quotation dated 26/09/07 of Rs 1038/- was also attached with the said reminder letter with a request to make payment.
 - j) She complied remark of g) above vide her letter dated 20/09/07, which was received by licensee on 24/09/07. Xerox copy of ration card was submitted wherein premises details were corrected on 12/09/07 as room No 7 in chawl No 1.
 - k) She deposited charges of Rs 1038/- on 3/10/07 & produced original ration card for verification on 6/10/07.
 - l) Electric connection to the premises was released on 6/10/07.
- 9) Licensee's representatives, on being asked by Forum about discrepancy in two bills of Rs 8969/- & Rs 4040/- during hearing, could not give any satisfactory & convincing reply. Shri Mehendle Divisional Accountant agreed that the computer bill generated on 21/08/07 @ 04.33 P.M. showing arrears of Rs 4040/- as on 03rd August 2007 of that premises is correct.
- 10) Consumer in support of her submission of having applied for electric connection on 10/07/07 but denied acknowledgement by licensee, Forum noted, could not produce any supporting evidence to prove that she had applied as required as per Regulation 4.1 of

SC, 2005. Her submission is devoid of any merit & needs to be rejected.

11) Her prayer that the arrears of energy charges does not pertain to the premises & she is not liable to pay the same holds no water as Kalyan Dombivli Municipal tax bill No 48125 dated 26/09/07 of the financial year 2007-08 on record of licensee shows that the tax bill stands in the name of Madhavsingh Bist & Municipal house No is 927/6 which is the same house consumer has purchased from Shri Londhe as per agreement of sale of dated 2/05/07. This is further confirmed by the fact, Shri Pachlore has noted on 24/08/07 during his visit to the premises, that consumer No 020850241440 on meter board is painted with black paint & the consumer as per record of licensee of that consumer number is Shri Madhavsingh Bist. It is thus confirmed that bills raised by licensee as mentioned in Para 6 (v) pertain to that premises only.

12) Any charge for electricity or any sum other than a charge for electricity due to the licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be as per Regulation 10.5 of SC, 2005. The consumer is, therefore, liable to pay the correct charges of Rs 4040/- levied by the licensee as arrears on that premises. In this

case consumer has paid Rs 8969/- on 22/08/07. Thus excess payment of (Rs 8969/- minus Rs 4040/-) = Rs 4929 needs to be refunded to consumer by licensee.

13) Maharashtra Electricity Regulatory Commission notified "Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensee, Period for giving supply and determination of compensation) Regulation, 2005" on 20th January 2005 (called SOP). As per item 1(i) of Appendix "A" of Regulation 12.1 of the above said SOP, time period for completion of inspection of applicant's premises from date of receipt of application is seven days in cities & towns. Licensee had done this as application was submitted to licensee on 23/08/07 & inspection of premises was done on 24/08/07. As per item 1 (ii) of said Appendix A, time period for intimation of charges (regardless of whether such application is deemed to be complete under Regulation 4.2) to be borne by applicant from date of receipt of application, in case of connection to be given from existing net work, is 15 days in towns & cities. Licensee in this case had intimated charges of Rs 1038/- on 27/09/07 to consumer. The period of 15 days was over on 6th September 2007. The Forum, therefore, is of the opinion that compensation as per column 3 of item 1 (ii) of table of Appendix "A" of regulation 12.1 of SOP, at Rs.100/- per week or part thereof of delay is payable to the consumer by the licensee. Thus compensation for delay of more than 2 week and less than 3 weeks from 7th September 2007 to

26th September 2007 works out to be Rs. 300/- & is payable to the consumer by the licensee. As per item 1 (iii) of said Appendix A, time period for giving supply from date of receipt of completed application and payment of charges, in case of connection to be given from existing network, is one month. Consumer paid charges on 3/10/07 & complied remarks on 6/10/07. Licensee within stipulated period released connection.

14) After carefully going through the entire episode, we unanimously, decided to issue following order.

O-R-D-E-R

1. The excess amount of Rs 4929/- (Rupees Four thousand nine hundred twenty nine) only collected by licensee as arrears of the premises should be refunded to consumer (without interest) within two billing cycle period from the date of this order.
2. The licensee should pay Rs 300/- (Rupees three hundred) only to consumer as compensation within 90 days from the date of order.
3. The claim of the consumer of compensation of Rs 10000/- for physical harassment, mental torture & agony for losses, as per Para 7 (ii), is completely disproved and therefore no compensation is payable on this account. There is also no basis for awarding any orders on issues mentioned in Para 7 (iii).
4. Consumer can file appeal against this decision with the Electricity Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,

Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of order.

5. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at:-

Maharashtra Electricity Regulatory Commission,

13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006".

Date:- 29/11/07

(Sau V. V. Kelkar)

Member

CGRF Kalyan

(I. Q. Najam)

Chairperson

CGRF Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF Kalyan