



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

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**IN THE MATTER OF GRIEVANCE NO.K/E/0163/0185 OF 08-09 OF  
SHRI RAJESH BHIMRAO BHOSALE WITH CONSUMER GRIEVANCE  
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT  
EXCESSIVE BILLING.**

Shri Rajesh Bhosale  
303/A, Radheya Apartment  
Karnik Road, Kalyan (W)

} (Here-in-after  
referred  
as "Consumer" )

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Ex.  
Engineer, Kalyan (W) Sub-Dn. No. I

} (Here-in-after  
referred  
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 conformed 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. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on dated 22.01.09 for excessive energy billing.

The details are as follows: -

*Name of the consumer:* - . Shri Rajesh Bhimrao Bhosale

*Address:* - As above

*Consumer No:* - 020020660083

Reason for Dispute:- Excessive energy bill.

3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/053 dt. 22.01.09 to Nodal Officer of licensee. However, the letter is un-replied.

4). The first hearing was schedule to be held on 26.02.09 at 15,00 Hrs. Forum received a letter dt. 26.2.09 from CR that due some personal reason, he is not able to attend the hearing on 26.2.09, and requested to postpone the hearing to another day. Hence forum postponed the hearing to 12.03.09 at 16.00 hrs and intimated to the same to both the parties vide letter No. 179 dt. 26.02.09.

5). The Forum heard both the parties on 12.03.09 @ 15 Hrs. In the meeting hall of the Forum's office. Shri B. K. Bhosale & Shri R. V. Akkewar Consumer Represenatives & Shri Bhojane, Asstt.Engr. Shri G.T.Pachpohe, Dy.EE, Shri M.V.Deshmukh, Jr.Engr. Mrs.S.A.Khatavkar, UDC and Shri C.S.Sakpal, LDC representatives of the licensee attended hearing.

- 6). The forum asked the licensee to submit pointwise reply vide letter No.53 dt.22.01.08. The licensee submitted the reply vide letter No.275 dt. 13.02.09.
- 7). The consumer repeated his grievance that he purchased flat No.303, Radhe Apt.Karnik Road, Kalyan, in July 07. He applied for change of name to the licensee on 15.09.07 and the licensee effected the change of name in Oct.07. In Dec.07 they got a bill of Rs.8360/- When he enquired in Jan.08 this amount appeared in his account as outstanding eventhough he has not till then occupied the flat. After transfer of this connection in his name, three months later they demanded to pay this amount. He represented to the licensee that he has only purchased the flat and not even occupied the premises, hence any dues outstanding on the connection should be recovered from the old consumer, but instead of doing so, the licensee disconnected the supply. He said he has been forced to pay Rs.10790/- with penalty. He paid the same under protest. He also paid Rs.150/- towards reconnection charges and got reconnected the supply. The theft of energy is detected, earlier to his occupation, therefore the penalty towards theft should be have recovered from the old owner Shri Gloria Fernandes and such amount illegally recovered from him should be refunded.
- 8). In reply to above, the licensee stated that when shri Bhosale approached to the office of licensee for change of name, he produced the paid bill of Aug.07, along with other documents. On this basis, treating no dues on the connection, the proposal for change of name was processed. He also submitted an affidavit on Rs.50/- stamp paper

“stating that any dues if raised on this connection, in future, he is ready to pay all such dues”. In the meantime the Flying Squad Kalyan tested the meter by accucheck meter on 13.08.07 and the same was also checked /examined in the laboratory in presence of earlier owner and in such checkings, the meter was found (i). 26.96% slow (ii) found 2 PVC yellow seals doubted to be tampered and (iii) found wire loop inserted inside the meter to show less consumption. Therefore, the consumer has been charged under Section 135 of I.E.Act, 2003 under theft of energy and charges raised in the Bill of Oct.07. The consumer paid the same. The recovery bill of Rs.8640/- against theft and compound charges Rs.4000/- were raised in the name of Shri Fernandes, because theft was done by him. The licensee said who paid these theft charges, is not licensee’s look out. If this amount is paid by new consumer, he may get it reimbursed the same from the old consumer. The consumer was not present at the time of accucheck because his flat was locked. However, he was present at the time lab test and he has signed on the panchanama. This being a case of theft of energy, he has been charged under section 135 of I.E.Act 2003. The licensee has also enclosed a copy of MSEDCL’s General circular No. 381 dt.22/09/2003, issued vide L.No.PR-3/COS/30792 and read out the concerned Para which reads as” On verification of the documents from the new incoming consumer and after verifying past history of consumer, if arrears of energy bill exist then the whole liability of payment of arrears/dues shall rest on incoming consumer. In such cases old arrears to be cleared by new incoming consumer before effecting change of name/ownership of installation”.

- 9). Forum observation:
- a). The installation was inspected by the FS on 23.08.07. The compounding charges paid by the consumer on 07.09.07 and arrears paid by the consumer on 07.03.08. It is noted by forum that the supply was not disconnected for about 7 months and the meter remained in the premises, even not making payment of recovery charges against theft of energy. This is contradicting each other.
  - b) The FS detected the theft on 13.08.07 and “no dues” bill is issued in the name of new consumer on 26.09.07. This being a theft of energy and going to effect transfer of connection in the name of incoming consumer, This is not brought in the record immediately. Due to this, the change of name is effected and subsequently all complications/ contradictories took place. The licensee staff is required to be more vigilant and careful while finalizing such important issues.
- 10). The consumer purchased the premises i.e. Flat No.303, Radhe Apt. Karnik Road, Kalyan, in July 07. The consumer applied for change of name to the licensee on 15.09.07 and effected the change of name in Oct.07. The Flying Squad inspected the installation on 13.08.07. On accucheck report the consumer name was not mentioned but only consumer No. and meter No. were given. As per report the meter is found slow by 26.96% and PVC seal was found in doubtful condition. The accucheck report is signed by Meter Tester. It is also

mentioned that since the flat was locked, the signature of the consumer could not be taken.

- 11). The Panchanama was carried out on 23.08.07. In this report also, the name of the consumer was not mentioned except consumer No. and meter No. When the meter is opened in lab it is found that “sadr malTrlaa tpasaNaIvaoLI laavalaolao poprsalla sauisqatlt AaZLlao. sadr malTrmaQyao kaLyaa rMgaacyaa vaayarcao laup malTr hLU ifrNyaakrta malTrmaQyao Taklaolao AaZLlao. sadr baaba ga`ahkacyaa va Aamacyaa inadSa-naasa AaNUna idlal”.

The licensee charged the consumer under Section 135 of I.E.Act 2003 and issued bill dtd. 29.8.07 for Rs.8640.30 and another bill Rs.4000/- as compounding charges on dt.29.08.07 in the name of Mrs. Gloria Fernandes and the same is paid by consumer.

- 12). The consumer has written a letter to Dy.EE on 9.7.07 to CE on 14.7.07, to EE on 28.7.08 and on 12.9.08 to Licensee. The licensee has replied on 18.7.08 to the consumer. The licensee has given a notice to pay the arrears on 30.4.08 addressed to Mrs. Gloria Fernandes. In reply to the consumer letter dtd.28.7.08, the licensee vide letter No.2678 dt.28.7.08

confirmed that whatever action taken by the licensee is correct. Then the consumer approached the forum and registered the case on 22.1.09.

- 13).        Though the consumer occupied the premises in May 08, (as stated by him), it was purchased by him on July 07. The theft was detected on 13.08.07. Thus the consumer had already become owner of the said premises prior to detection of theft. Moreover, the consumer had given undertaking to pay the dues and outstanding against the said meter from the licensee at the time of transfer of said meter in his name, and therefore the licensee could recover the said amounts from the consumer. Further, the bills of the electric charges due to detection of theft and the compounding charges were issued in the name of earlier owner and the consumer has paid the same.
- 14).        It is, however, noted by the forum that the installation was inspected by the FS on 23.08.07. The compounding charges paid by the consumer on 7.9.07 and arrears paid by the consumer on 7.3.08. The supply was not disconnected for about 8 months and remained in the premises, even not making payment of recovery charges against theft of energy. The licensee has not taken any action for 8 months.
- 15).        Forum observed that the theft of energy is detected in the meter. The meter remained in the installation.
- 16).        Moreover, since this is clear cut theft of energy and the consumer is charged under Section 135 of I.E.Act 2003, this is

not coming under purview of the Forum, hence this case is hereby rejected. Therefore no order is passed.

- 17). The Consumer can file appeal against this decision with the 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 this order.

- 18). The Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission the following address:-

*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

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”

**Date :- 21/03/2003**

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M.N.Patale)  
Chairman  
CGRF Kalyan