



**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/584/692 OF 2011-2012 OF**  
**SHRI KAILASH SAHEBRAO CHAURE, ULHASNAGAR REGISTERED**  
**WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,**  
**KALYAN ABOUT EXCESSIVE ENERGY BILL .**

Shri Kailash Sahebrao Chaure  
Opp. A Block, 297  
Opp. Elders Home,  
Daha Chawl Road  
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 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 22/02/2012 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Shri Kailash Sahebrao Chaure

Address: - As given in the title

Consumer No : - 021514142227

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0153 dated 22/02/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/ULH-4/T/156, dated 12/03/2012.
- 4) Hearing was held on 12/03/2012 @ 16.00 hrs. The Member Secretary and Member of the Forum heard licensee in the meeting hall of the Forum's office. Shri Kale Nodal Officer, Shri Kashal, Asstt. Engr., Shri G. T. Pachapohe, Dy. Ex. Engr., representatives of the licensee attended hearing. Consumer was absent at the time of hearing but by e-mail dated 12/03/2012 he requested the Forum to give him fresh date of hearing since he was out of Mumbai on 12/03/2012. As per his request Forum conducted hearing on 19/03/2012 @ 16.00 hrs. The consumer Shri Kailash Chaure attended the hearing. Minutes of the hearing 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 that on 11/10/2011 Damini Squad took the survey of the premises of complainant, the Consumer No is 021514142227. It was noted by the Damini Squad that from the meter which was given for residential purpose complainant has extended his connection to run a Beauty Parlor and Laundry. The report under Section 126 of Electricity Act 2003 was submitted to issue the bill accordingly of commercial purpose. The bill of Rs. 15,110/- was issued. Being aggrieved by that bill appeal was submitted on 16/11/2011 before the Assessing Officer. It appears on 01/12/2011 1/3<sup>rd</sup> of the said amount i.e. Rs. 5,040/- deposited by complainant. The appeal was heard. It appears the grievance of the complainant was that the Laundry was started on 1<sup>st</sup> Sept. 2011 and Beauty Parlor was started on 18<sup>th</sup> Sept. 2011, in support of his claim the Xerox copy of the inauguration card regarding the inauguration of the Beauty Parlor was submitted but so far Laundry is concerned, there was no any evidence. Complainant was ready to pay the bill from 18<sup>th</sup> Sept. 2011 at commercial rate. It appears the electric connection was used by complainant other than the purpose for which the connection was given to him. It was concluded by the Assessing Officer that there was no substance in the appeal submitted by the complainant and his appeal was dismissed.
- 6) I.G.R. Cell came to the conclusion as the dispute was governed by the Section 126 of Electricity Act 2003 in view of Regulation 6.8 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, the grievance is not maintainable and it was dismissed.

- 7) Both the parties before this Forum put the same case which they have submitted before the Assessing Officer as well as before the I.G.R. Cell. It is admitted by the complainant that he was running Beauty Parlor as well as Laundry with the same meter connection which was given for residential purpose. His grievance is that he has started the Beauty Parlor in the month of Sept. 2011 and therefore the bill which is given for the last one year is illegal. So far Laundry is concerned, no any sufficient evidence is produced by the complainant to show as to from which date the Laundry was started. In our view the invitation card that too cannot be read in evidence. So in fact there is no any cognate evidence produced by the complainant to show as to from which date in fact he has started his business and get connected the commercial business with the meter supplied for residential area. Sub-Clause 5 of Section 126 of Electricity Act 2003 is very clear : "If it cannot be ascertain from which period there is a unauthorized use of electricity, then said period shall be limited to a period of 12 months immediately preceding the date of inspection." We are of the opinion that whatever the bill which was issued by the Assessing Officer is according to this Sub-Clause and there needs to be no interference in it.
- 8) The case is definitely governed by Section 126 of Electricity Act 2003, so the I.G.R. Cell has come to the correct conclusion. The jurisdiction is barred under Regulation No. 6.8 of the said Regulation. We are also of the same opinion as this Forum has no jurisdiction considering the facts of the case. Hence order :

**OPERATIVE ORDER**

- 1) The grievance application is dismissed.
- 2) 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”.*

Date : 27/03/2012

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.K. Chaudhari)  
Chairperson  
CGRF Kalyan