



**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/I/004/306 OF 2009-2010 OF**  
**NIRMALA T. LILWANI, ULHASNAGAR REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT**  
**EXCESSIVE ENERGY BILLS AND PERMANENT DISCONNECTION OF**  
**SUPPLY.**

Smt. Nirmala T.Lilwani  
Air Speed Tours & Travels  
Varsha Apartment, Gr. Floor,  
Ashok Cinema Road, Ulhasnagar 421 003

(Here-in-after  
referred  
as PD Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Vasai Road (East) Sub-Dn.  
Vasai, Dist. Thane.

(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 P.D. consumer was a Commercial consumer of the licensee. The PD Consumer was being billed as per commercial tariff. The PD Consumer registered grievance with the Forum on 01/07/2009 for Excessive Energy Bills and permanent disconnection. The details are as follows: -  
Name of PD consumer :- Smt. Nirmala T. Lilwani  
Address: - As given in the title  
PD Consumer No :- 021510393331  
Reason of dispute: Excessive Energy Bills and permanent disconnection of supply.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/614 dated 01/07/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Ulhas/S.D-II/1043 , dated 31/07/2009.
- 4) The PD consumer has raised these grievances before the Executive Engineer, Ulhasnagar-3 vide letters dated 28.2.2000, 6.9.200, 23.2.01 and also made applications dated 5.2.09,11.5.09 and 2.6.09 to the Govt. Information Officer, Executive Engineer, Ulhasnagar-3 and Appellate Officer/Executive Engineer, Ulhasnagar-3 respectively for getting information regarding the action taken on his above referred applications by the concerned Executive Engineer and for copies of some relevant documents. The Executive Engineer (O&M) Division, MSEDCL, Ulhasnagar Division, did not inform about the action taken on his

applications and therefore the consumer has registered the present grievance before this forum on 01/07/2009.

- 5). The forum heard both the parties on 06/08/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Mukesh Lilwani, representative of the consumer, Shri Ashok Salunkhe, Dy.EE, Shri P.P. Tendulkar, J.E. , both 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 grievance shall be referred while deciding the grievance to avoid repetition.

**View of Chairperson and Member Secretary :**

- 6). The consumer claims that she was having the concerned electric connection at shop No.1, near Varsha Apartment, Ulhasnagar. The licensee issued bills for excessive amount during the period from Dec.99 to Dec.2001 disregarding her applications sent from time to time informing the licensee that she was receiving bills for excessive charges eventhough her consumption was not much. She has made various applications dated 28.02.2000, 6.09.2000, 23.02.01, to the concerned Executive Engineer, during the said period but the said Executive Engineer, did not take any action on it and did not inform her about the action taken by him on her such applications. The information regarding action taken on her above referred applications was not supplied to her inspite of her further applications dated 5.2.09, 11.5.09, 2.6.09 made to the Govt. Information Officer, Executive Engineer Ulhasnagar-3 and Appellate Officer/Executive Engineer, Ulhasnagar-3 respectively. On the other hand the supply to her such shop was disconnected by the licensee. Therefore she has registered the present grievance application with this forum.

- 7) The licensee claims that as per the complaint/grievance of the PD consumer, the electric charges bills were issued to her as per the readings in the meter No. 3004269 till Oct. 99. The PD consumer does not appear to have paid electric charges after 05/09/97. There after the above referred meter at the shop of PD consumer was changed and replaced by other meter No. 140581. The consumption of the PD consumer was about 680 – 880 – 670 units prior to the replacement of the above referred meter. The consumption of PD consumer was like 760 – 1364 – 1600 – 2065 – 1054 – 1280 – 2466 – 1593 – 1049 – 877 etc. after the replacement of the above meter. There after the said meter was tested in the testing laboratory at Ulhasnagar-3 on the request of PD consumer, and the copy of the said testing is annexed with the reply. As per the said report, the above meter at the shop of PD consumer, was found without any defect. Similarly, a new meter bearing No. 399830 was installed at the said shop of PD consumer in Feb. 2002. The PD consumer has made part payments of the bills for eight times only during 77 months from Sept. 97 to April 2003. There after the said connection was permanently disconnected for non payment of the arrears. The licensee was claiming as above on the basis of CPL. All the record and the reports in respect of the said connection were washed away or damaged due to heavy rains in the year 2005 and therefore, the same could not be supplied to the PD consumer. He was so informed vide letter No. 710, dt. 15/06/09. The concerned meter was found to be without any defect and the consumption of PD consumer was also on higher side and therefore, the amounts of various electric bills cannot be reduced. The last reading of the concerned meter was 5306 and the total arrears against the PD consumer are Rs. 99,075.96 (Rs. 63,707.88 arrears plus Rs. 35,368.08 interest).

- 8) It is clear from the grievance application itself that the PD consumer has challenged the electric charges as per the bills from Dec. 99 to Dec. 2001 on the ground that the same were excessive. As per the say of PD consumer and also the copies of various applications filed by her, it is clear that the PD consumer raised grievances in respect of the said bills vide applications dt. 28/02/2000, 06/09/2000 and 23/02/2001, and there after she made first application after a gap of about eight years on 05/02/09 to the Govt. Information Officer for getting information regarding the action taken on her above referred applications and as to when the said connection was disconnected and what was it's present status. There after she made application dated 11/05/09 and 02/06/09 to the concerned Executive Engineer of Licensee and to the Appellate Authority respectively for getting the above referred information and copies of the documents. Thus the cause of action for correction of the concerned bills of the period Dec. 99 to Dec. 2001, can be at the most said to have arisen on 23/02/2001. Similarly as per the first CPL of the period from June 99 to April 05 filed by the Licensee, the said connection was permanently disconnected in Sept. 03, and as per the another CPL of the period June 97 to July 09 filed by the licensee, the said connection has been permanently disconnected in Nov. 04. Even if we take the later date of such permanent disconnection i.e. Nov. 04 as correct date of permanent disconnection as it would be beneficial to the consumer to hold so for deciding this point, still the PD consumer should have filed grievance regarding the incorrectness of the bills of the above referred period and disconnection without notice, at the most by Dec. 06 i.e. within two years from Nov. 04. Therefore, this Forum cannot decide the PD consumer's grievance about the same as the same is barred by limitation as per the

provisions of Regulation 6.6 of MERC (CGRF and Electricity Ombudsman ) Regulation 2006.

- 9) Moreover, it is clear from the CPL that the meter at the shop of PD consumer was changed at two times i.e. in Dec. 99 and Feb. 02 on her complaint as is clear from the CPL and even though one of such meter bearing No. 140581 was found to have no defect after testing on 03/02/02 as is clear from copy of letter dt. 30/06/09 sent by Jr. Engineer to the Dy. Ex. Engr. and xerox copy of page No. 27 of the meter testing register. The CPL further shows that the PD consumer has made part payment of the bills at eight times only during the period of 77 months from Sept. 97 to April 03 and it resulted in heavy arrears. Therefore, there is no substance in the grievance of the PD consumer regarding excessive bills during the period from Dec. 99 to Dec. 01.
- 10) The PD consumer in her grievance application did not seek relief of restoration of electric supply or fresh electric connection. However, her representative (CR), during the hearing submitted that the PD consumer was keen to start business in the concerned shop and that she was desirous to pay part of the arrears if the licensee reconnects the supply immediately and grants installments of the remaining arrears. The representative of licensee (LR) submitted that the electric connection of PD consumer has been permanently disconnected before more than six months and therefore, she will have to now apply for new electric connection and the same can be granted to her on payment of the arrears at the earliest. He further submits that no installments can be granted to the PD consumer to pay the arrears. As per the Regulation 15.7.1 of MERC (Electric Supply Code etc.) Regulations 2005, the licensee may allow the consumers to pay the arrears in installments as per it's discretion and since

the electric supply to the PD consumer has been permanently disconnected in Sept. 03 i.e. before about six years, it is natural that the licensee does not want to grant any installments to pay the arrears to the PD consumer. It is also a fact that since the period of more than six months has been passed since the permanent disconnection, no restoration of electric supply can be granted. Considering the above facts and other facts and circumstances of the case, in our considered view, it would be just and proper to direct the licensee to give new electric connection to the PD consumer at the said shop on her fresh application and payment of the arrears as on the date of permanent disconnection. CPL of the period from June 99 to April 05 shows that the said connection has been permanently disconnected in Sept. 03 and last reading of the meter as 5306 was also reached in that month. Therefore, Sept. 03 is taken as date of permanent disconnection of the said connection. As per the CPL of the said month Sept. 03, the total arrears were Rs. 1,01,917.93 (i.e. Rs. 62,991.14 arrears plus Rs. 37,030.88 interest). In our considered view, it would also be necessary to direct the PD consumer to apply for fresh electric connection and to pay the arrears as above within a period of one month, and to direct the PD consumer to pay the interest at the Bank rate of RBI on the arrears from the date of decision in this case till such payment in case the PD consumer does not pay the same and does not apply within a month, as the licensee would be deprived from using the said amount till the time the PD consumers deposits the same. Hence we direct accordingly.

- 11) **Opinion of Member** : From the study of CPL and minutes of hearing, my observations are as follows :

- i) As per the record submitted by Licensee, there are discrepancies in the CPL record. As per one CPL record consumer was made PD in Sept. 03, while as per the other record the consumer was made PD on Nov. 04.
- ii) As per the licensee's representative's statement at the time of hearing Forum has accepted one of the records showing consumer as PD in Sept. 03 as the correct record. As per this record the arrears due from consumer are Rs. 62991.14 plus 37969.47 interest = Rs. 101917.93 at the time of PD.
- iii) I would like to highlight the statement made by Dy. Ex. Engr. Ulhasnagar Sub/Dn. No. II vide their letter No. 1043, dt. 31/07/09 which states that "The consumer has made part payment of the bills eight times only during the period of 77 months from Sept. 97 to April 03 and it resulted in heavy arrears." This shows that the licensee has given unduly long period to the consumer for making the payments before taking the action of PD in Sept. 03 as per one of the CPL accepted by Forum during the hearing.
- iv) As per MERC (Electricity Supply Code and other Conditions of Supply) Regulations 2005 Section 10.5 this case of PD is applicable to resolve the grievance. Section 10.5 is as follows :  
"Any charge for electricity or any sum other than a charge for electricity due to the Distribution 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 Distribution Licensee as due from such legal representatives or successors-in-law or new owner/occupier of the premises, as the case may be. Provided that, except in the case of transfer



of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.

- v) In this particular case it is also observed that :
    - (a) The premise is same.
    - (b) There is no question of any legal representative because the consumer is also the same.
  - vi) In the light of 10.5 as the consumer is an existing consumer, he is liable to pay the total amount of arrears i.e. Rs. 101917.93 due from him on the date of PD.
  - vii) The licensee should complete the necessary formalities for reconnection after receipt of the above amount.
  - viii) In view of the natural justice licensee cannot charge any amount or interest from consumer after the date of PD. By the action of PD, the licensee is taking the step of breaking the relationship between it and the consumer.
- 12) In view of the above discussion and the majority view of the Chairman and Member Secretary, and the provisions of Regulation No. 8.1 of MERC (CGRF & Electricity Ombudsman) Regulations 2006 the Forum, passes the following order.

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

- 1) Grievance application is partly allowed.
- 2) Prayer of PD consumer for directing changes in the amounts of electric charges during the period from Dec. 1999 to Dec. 2001 is rejected.
- 3) Licensee to give fresh electric connection to the PD consumer at the concerned shop on her fresh application and payment of arrears of Rs.

1,01,917.93 as on the date of permanent disconnection i.e. Sept. 2003 within a period of 30 days from the date of decision in this case, and in case the PD consumer does not apply and deposits the arrears within a month as above, on application and deposit of the said amount of Rs. 1,01,917.93 together with interest at the Bank rate of RBI on the arrears of Rs. 62,991.14 (without interest) on the date of permanent disconnection from the date of decision in this case till payment.

- 4) The Compliance should be reported to the forum within 90 days from the date of decision.
- 5) The Consumer can file representation against this decision with the Ombudsman at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”*

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

- 6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at 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 given under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006”

Date : 02/09/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M.N.Patale)  
Chairman  
CGRF Kalyan