



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

Date of Grievance : 18/05/2012

Date of Order : 21/08/2012

Period Taken : 95 days

IN THE MATTER OF GRIEVANCE NO. K/E/601/710 OF 2012-2013 OF
SOU. ANJU JAYAWANT PITAMBARE, RAYE KHADAVALI, H.NO. 68,
PITAMBARE CHAWL, TAL. KALYAN, REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE ENERGY BILL.

Sou. Anju Jayawant Pitambare,
Raye Khadavali, H. No. 68,
Pitambare Chawl,
Tal : Kalyan, Dist : Thane

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Asst. Engineer, CSD Kalyan

(Here-in-after
referred
as licensee)

Per Sadashiv S. Deshmukh, Chairperson

- 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. residential consumer of the licensee. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 18/05/2012, disputing it and about illegal disconnection. The details are as follows :
Name of the consumer :- Sou. Anju Jayawant Pitambare
Address: - As given in the title
Consumer No : - 021110138366
Reason of dispute : Excessive Energy Bill and disconnecting supply.
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0383 dated 19/05/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/2794 dated 18/06/2012 through Nodal Officer, Kalyan Circle-II.
- 4) We have heard husband of consumer i.e. her authorized person Shri Jayawant Pitambare and we heard Asst. Engineer Mr. Tekale, representative of licensee. Hearing is done on 18/06/2012, 18/07/2012 & 21/07/2012.
- 5) Grievance of consumer is rejected by IGRC on 31/12/2012. Against it consumer approached with this grievance to this Forum on 18/05/2012. Contention of the consumer is of service of bill dated 30/01/2012 for Rs.15,180/- covering the period from 16/12/2011 to 16/01/2012 on average

basis through her meter was not faulty. It is contended that IGRC not considered her claim and rejected the grievance. Accordingly, above bill, its quantum is challenged.

- 6) It is the contention of the representative of the licensee that the consumer is having residential connection but during inspection on 08/01/2011 at 15.10 hrs. it was noticed that from consumer's meter supply was extended illegally to 3 rooms and to a construction site nearby. Thereafter, under section 126 of Electricity Act, 2003 provisional bill issued on 18/01/2011 for Rs.13,405/- calling upon her to pay it till 08/02/2011. Accordingly, it is contended that it is a matter under section 126 of Electricity Act and its cognizance is barred before IGRC and before this Forum.
- 7) Subsequently, consumer had contended that after the order of IGRC dated 31/03/2012 staff members of licensee disconnected the supply, took away all material and meter, fixed in the consumer's premises on 17/05/2012. It is claimed that only on depositing the dues raised to the extent of Rs.14,050/- and reconnecting charges of Rs.25/- on 19/05/2012, supply was restored on 21/05/2012. It is claimed that this aspect is also illegal as it is done without any notice as such.
- 8) Though the aspect of taking out meter and material by the officials of the licensee was initially denied by officer Mr. Tekale but on taking stock of actual aspect he clarified that meter was taken out and on payment, it is again fixed, supply reconnected. Accordingly, this is one of the consequential further act of licensee, about it, grievance is made. It is seen that this grievance application is written on 17/05/2012 but it is submitted along with prescribed format on 18/05/2012. During the hearing it is disclosed that licensee is relying on provisional bill dated 18/01/2011 for Rs.13,405/- calling upon the consumer to pay it by 08/02/2011 which is

issued under section 126 of Electricity Act. However, consumer is not served with any order of provisional assessment passed under section 126. No copy of such order is placed on record of this Forum. It is not dealt further by passing final order of assessment under section 126. Even it is seen that the so called inspection report dated 08/01/2011 on the basis of which action under section 126 of Electricity Act is taken is not bearing signature of consumer or remark of refusal of consumer, to sign it is, noted. It is not bearing signature or any other independent persons. No panchnama is drawn. Accordingly, question comes up whether there was, in fact, any valid action under section 126 if it is so then section 127 i.e. provisional of appeal will apply but no such final order is passed. Even, prima facie, requirement of section 126 for provisional assessment not followed. Hence it is not possible to accept the contention about section 126 is invoked validly following the requirement of it. Said action itself found infructuous. Mere quoting section 126 is not sufficient but prima facie it is to be shown that requirements are complied with. This is the main flaw noted in this matter. Further, such action taken under section 126, is, not made known to the consumer.

- 9) Secondly, aspect of disconnection of supply, taking out meter is also found to be a high handed act without following legal provision, no notice is given before taking such action. However, by restoring to it, recovery is done of the amount claimed under section 126. We find it is a pressurizing tact without following legal process, in no way it can be supported.
- 10) In light of above, we find so called provisional bill issued under section 126 working out liability of Rs.13,405/- is not valid one. This conclusion is arrived at prima facie as mere quoting section 126 is not sufficient but prima facie ingredients followed and fulfilled are to be shown which are

absent. Disconnection of supply on 17/05/2012 and taking out meter is also found not legal. Further, deposit of amount for seeking reconnection and depositing of amount of claim, under section 126, of Consumer, is, found to be an aspect of force, thereby amount is deposited. Hence the amount deposited towards the reconnection i.e. Rs.25/- and out of payment of Rs.14,050/-, Rs.13,405/- which is shown in the provisional bill are to be refunded or adjusted in the further bill of consumer towards redressal of this grievance.

- 11) Matter is taken up, heard time and again giving opportunity to both sides and on behalf of licensee officer was to verify the factual aspect hence the matter could not be decided within sixty days. Hence order.

ORDER

Grievance application of consumer is hereby allowed.

Order of IGRC, action of licensee under section 126 of issuing provisional bill for Rs.13,405/- is hereby set aside.

Licensee is directed to refund said amount of Rs.13,405/- out of Rs.14,050/- deposited, after disconnecting supply and even refund amount of Rs.25/-, deposited on 19/05/2012 towards reconnection as action of disconnection was illegal.

This amount to be refunded be adjusted in the ensuing bills.

The consumer may file representation against this order before the Hon. 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”.
Consumer, as per section 142 of the Electricity Act, 2003, 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 :

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

(R.V. Shivdas)
Member Secretary
CGRF, Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF, Kalyan