



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/E/0137/0158 OF**  
**08-09 OF SHRI ARUN N. KHAMKAR REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN**  
**ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

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Shri Arun N. Khamkar	(Here in after
C/o. Maruti Babu Kamdi (Member)	referred to
SNO. 47, PNO : 2,	as consumer)
Shrikrishna Nagar, Apte Wadi,	
Kulgaon – 421 503.	

**Versus**

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

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 connection is in the name of Shri Arun N. Khamkar but the actual user of the electricity is Shri Maruti Babu Kamdi. Consumer registered his grievance with the Forum on dated 16/10/2008 for excessive billing & release of new connection.

The details are as follows: -

Name of the consumer:- Shri Arun N. Khamkar

Address: - As above

Consumer No: - 021660305910

Reason of dispute: Excessive energy bill & release of new connection.

- 3) The batch of papers containing above grievance was sent by

Forum vide letter No EE/CGRF/Kalyan/285 dated 16/10/2008 to Nodal Officer of licensee. They replied vide letter No. Dy.EE/BDL(E)/T/2967 dated 10/11/2008.

- 4) The Member Secretary & Member of the Forum heard both the parties on 12/11/2008 @ 15 Hrs. in the meeting hall of the Forum's office. Shri Maruthi Babu Kamdi, & Shri J. A. Pardeshi, Consumer's representative & Shri A. W. Mahajan, Deputy Executive Engineer, Shri V. Y. Kamble, Assistant Engineer & Shri S. S. Nalke, Juniouir Manager, representatives of the licensee attended hearing.
- 5) Consumer stated that Khamkar was the builder of the Maurya Society. Three Phase meter was in his name which was sanctioned for construction purpose. After building construction the same meter was continued by the builder for water pump. All the society members were paying regularly to the builder towards electricity bill. But bill was not paid to MSEDCL by the builder and so on 22/07/2005 the supply was permanently disconnected (P.D.) without giving 15 days Notice to the consumer. Till to-day it is P. D. After that the residents of the Society started to use their own single phase meter for water connection. Consumer stated that Licensee has charged excess load i.e.3.00 KW for water pump.
- 6) Vide letter dated 20/12/05 consumer informed Licensee that he is ready to pay the arrears & requested for part payment

of the arrears. Vide letter dt. 21/01/06 the consumer was given the detail information of his arrears alongwith CPL.

- 7) In queries raised by the forum the consumer replied that as per his opinion when there was excess billing, he had not approached to the Licensee for the same.
- 8) In between 23/01/06 to 04/10/08 the consumer has made no correspondence with the Licensee. He has written a letter dt. 04/10/08 to the Licensee..
- 9) The consumer stated that his load for water pump is 1.5 HP & licensee is charging to the consumer as per 3.00 KW tariff i.e. additional load. In reply to the above statement licensee stated that as per the metered tariff for residential and commercial consumers the fixed charges are same for loads upto 10 KW in the respective category.
- 10) Licensee informed that upto February 2003 there was commercial use (Construction Purpose Meter). After completion of the building construction the same connection was converted into residential.
- 11) Forum asked to the consumer that after P. D., consumer approached to Licensee's Office on 23/12/2005 for "Right of Information". In between this period if the consumer has made any correspondence with the Licensee, then the consumer should prove it to Forum. Consumer is unable to prove it.

- 12) Forum asked to consumer whether he required re-connection & consumer replied that "Yes". Consumer stated that re-connection should be done.
- 13) Forum asked Licensee regarding 15 days notice served to the consumer before disconnection for which Licensee has requested to give period upto 20<sup>th</sup> November 08 to verify the old record & actual position will be informed to Forum by Licensee upto 20<sup>th</sup> Nov. 08.
- 14) Forum asked Licensee to inform the exact date of P. D. after verifying the P. D. Register maintained by Licensee. Forum further asked Licensee whether the water connection was live before P. D. and whether Notice was served to the consumer before disconnection as per procedure.
- 15) Forum Findings :**

While studying the case the following points are noted by the forum :

(1) The connection of the consumer has been permanently disconnected for non payment of arrears. After that following correspondence is made between consumer and licensee.

a) Under Right of information Act (i)consumer approached to licensee on 23/12/05. (ii)Letter from DyEE

to consumer on 7/1/06 and (iii)Letter from Jr.Engr. Kulgaon Section to DyEE Badlapur Sub/Dn. dt. 12/01/06 , (iv)Letter from DyEE to consumer on 21/01/06.

b) Letters related to the grievance

(i)Letter from consumer to DyEE Badlapur dt. 20/12/05,

(ii)Letter from consumer to Ex. Engr. on 28/09/08

(iii)Letter from Consumer to Chief Engr. on 30/09/08

(iv)Letter from Consumer to Ex. Engr. on 4/10/08 (IGRC)

(2) Under Right of Information Act Dy. Ex. Engr. Badlapur Sub/Dn. Vide Letter No. 205, dt. 21/01/06

informed Shri Maruti Babu Kamdi, (the actual user of electricity) the date of disconnection as “**20/12/2005**” and in para wise comments to the forum vide letter No. 2967, dt. 10.11.08 the date of disconnection is mentioned by DyEE Badlapur as “**22/07/2005**”. In annexure One which is attached with the letter No. 2967, dt. 10.11.08, the date of disconnection is mentioned as “**20/12/2005**”. Forum asked to licensee during hearing to submit following record upto 20<sup>th</sup> November 2008.

a) Exact date of Permanent Disconnection (P.D) after verifying the P. D. Register.

b) Copy of Disconnection Notice served to the consumer.

(3) Licensee fails to submit the above information till to-day. After studying the above mentioned dates Forum decided to consider both the dates of P. D. i.e. **20/12/2005 & 22/07/2005**. Consumer approached to licensee on **20/12/2005 & 28/09/2008**. i.e. after **33 months & eight days or 38 months & six days**. It is crystal clear that consumer approached to the licensee to solve his grievance after above mentioned dates. Consumer approached to licensee on 20/12/2005, & after 60 days he must register his grievance with the forum. Since consumer failed to register his grievance with the forum within the stipulated time period, therefore his grievance is now time bar as per Regulation 2006, clause No. 6.6 which read as follows:

***“The forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”***

- 16) In grievance form 'A' consumer wants to release new connection from forum. Regarding this matter forum noted that consumer can apply for new connection after payment of arrears (if any).
- 17) After hearing & studying all available documents submitted by both the parties, forum come to the conclusion unanimously that this case is time bar, so the case is disposed off.

- 18) 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.

**Date :- 15/12/2008**

**(Sau V. V. Kelkar)**

**(R.V.Shivdas)**

**Member**

**Member Secretary**

**CGRF Kalyan**

**CGRF**

**Kalyan**