



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/0147/0168 OF**  
**08-09 OF SHRI S. K. BALANI, ULHASNAGAR REGISTERED**  
**WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

Shri S. K. Balani  
C/o. P. S. Balani  
Balani Compound, Kunj Bahar,  
Near Vitthalwadi Station,  
Ulhasnagar : 421 003, Dist : Thane

} (Here in after  
referred to  
as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Executive  
Engineer, Ulhasnagar Sub Division - 3

} (Here in after  
referred to  
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 415V network. The Consumer is billed as per industrial tariff. Consumer registered grievance with the Forum on dated 03/12/2008 for excessive billing.

The details are as follows: -

Name of the consumer :- Shri S. K. Balani. C/o. P. S. Balani

Address: - As above

Consumer No : - 021510143733

Reason of dispute: Excessive energy bill against arrears.

- 3) The connection is in the name of Shri S. K. Balani, and Shri P. S. Balani, is user of the electric supply.
- 4) Vide letter No. *EE/CGRF/Kalyan/ 379, dated 17/12/2008* the stay order was issued on request of consumer.
- 5) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/360 dated 03/12/2008 to Nodal Officer of licensee. They replied vide letter dated DYEE/Ulh-III/Billing/1769, 24/12/2008.
- 6) The Member Secretary & Member of the Forum heard both the parties on 24/12/2008 @ 15 Hrs. in the meeting hall of the Forum's office. Shri P. S. Balani, Consumer representative & Shri K. S. Sawale, Dy. Executive Engineer, Shri S. K. Lokhande, Jr. Engineer, Shri P. M. Kakade, L.D. Clerk representatives of the licensee attended hearing.

- 7) Consumer stated that since 1963 he was having two connections for light purpose and industrial purpose respectively. The single phase connection for lighting purpose and other is for industrial use. He was paying bills to the licensee regularly. In 1998 the light meter was burnt. The said burnt meter was removed and replaced by new one. Both the meters were at one place. From the date of replacement of the meter he was getting only one bill for 3 phase & he was under the impression that one bill is issued for both meters. In 2005 flood, his both meters were in the water and after that 3 phase Meter was replaced and single phase meter was not replaced. There was no record of single phase meter with the licensee from October 1998.
- 8) The Junior Engineer, Camp No.3, Ulhasnagar inspected the consumer's premises in routine checking on 14/03/06 & it was learnt that the meter is at site but billing has not been done since Hence recovery is proposed from October 98 to April 06. When meter burnt, the meter was replaced but the same was not reflected in the consumer's personal ledger (C.P.L), due to which consumer is unbilled from October 98 to April 06 (till inspection date). After eight years consumer received provisional bill (acknowledged by consumer representative on dated 09/05/06) of Rs. 3,12,383=00 as arrears for the period from Oct.98 to April 06 for 52986 units (91 months). As per CPL the consumer was in permanently disconnected (PD) status & old arrears on this meter Rs. 47,892=00 (i.e. before Oct.98). Consumer paid Rs. 1.00 lakh towards part payment

on 15.01.07 and Rs.1.00 lakh on 24.03.07. It was for the commercial use which is disputed by the consumer. The consumer is not agree of charging interest and DPC for the period of 8 years when the licensee not issued the bills. Consumer is informed by the licensee that his tariff is changed from industrial to commercial tariff. Current bill is paid by the consumer regularly except arrears since it is disputed by him. The Licensee did not correct the bill. During Diwali, the consumer has been forced to pay whole bill under protest. There was a remark on the bill that **“Full & final payment should be made and your dispute will be finalized”**. Till to-day his bill is not corrected. His both meters are clubbed in one bill.

- 9) The consumer has applied for additional load for 35 HP in June 2008 but the same is not sanctioned till to-day by the licensee.
- 10) Licensee stated that all grievances of the consumer are accepted. The consumer has also paid Rs. 60,000/-. Licensee stated that they have issued a letter to the consumer regarding change in his tariff & to pay current bill except arrears. The licensee has not forced the consumer to pay disputed bill. Disconnection notice is issued to the consumer was for payment of current bill and not for disputed amount. Application from consumer for additional load sanction was not considered since there are arrears against the premises. Licensee has informed this to the consumer in writing but the consumer said the letter is not received by them.

- 11) The arrears were calculated from October 07 to May 2008 due to tariff difference. As per Flying Squad Inspection Report the tariff of the consumer was changed. Both the meters are clubbed at present but now licensee is going to separate them as per Flying Squad's report.
- 12) During the hearing, forum noted that there are some other connections in the Balani Compound. Therefore, forum decided to inspect the premise and verify personally . Hence a letter has been issued to both the parties regarding inspection on 19.01.09 at 11.30 hours vide letter No.CGRF/Kalyan/029 dt. 15.01.09. Accordingly forum members visited the premises on 19.01.09 and inspected the installation. During the Inspection both members of the forum, Shri S.K.Sawale, Dy.E.E., Shri S.K.Lokhande, Junior Engineer and Shri Shaik, Lineman, from licensee were present in presence of consumer representative. It is observed that there are two meters in the name of the consumer one single phase and another three phase meter in the installation. Both these meters were shifted two times for being not accessible for meter readers for taking meter readings. One letter submitted by licensee bearing No. EE/UIh.I/Tech/2538 dt. 02.08.08 shown to the consumer for study. The licensee is failed to issue bills for a long period and the consumer is not in fault. The consumer has applied for additional load on the existing three phase connection. The addl. Load as asked by the consumer is required to be released by the licensee after effecting the change of name. The additional load is not

released by the licensee due to appearing arrears in the other connections in the compound.

- 13) (i) Consumer put up following grievances.
- (a). First is Additional load of 35 H.P. I. P. connection (existing load is 27 H.P).
  - (b). Second is refund of arrears wrongly recovered by licensee.
  - (c). Third is refund of tariff difference (Industrial to Commercial).
- (ii) The consumer prayed to the forum for awarding
- a) Difference claimed at commercial rate be set aside.
  - b) Refund of Rs.40,000/- as decided by Court be directed to be paid to me or may be adjusted.
  - c) Demand arrears of Rs.1,18,000/- in the last bill be set aside.
  - d) The opponent may be directed to re-fix the meter & restore 30 H.P. load as directed by the court in suit No. 607 of 1996 with special suit No.1000 of 1996 & judgement & decree passed on 07.02.2000.
  - e) Since the licensee served the bill of light meter for 8 years period from 1998 period to 09/05/06, may be set aside.
  - f) It may be held that the licensee is not entitled to charge interest on the arrears which were cleared in statement of heavy amounts.
  - g) Demand of fixed charge of Rs. 8,000/- as against Rs. 100/- be set aside.
  - h) Demand for Rs. 22,000/- claimed dues to alleged connection of excess load of 24 KVA be set aside.

(i) On taking account of the actual bills minus interest, refund of excess amount, received by MSEDCL be ordered to be refunded.

(j) Cost of this petition be granted.

14) The forum observed that the consumer applied for additional load of 35 H.P. (existing load of 27 H.P.) i. e. total load of 62 H.P. on 20/06/08. The consumer mentioned in Flying Squad report that he has applied for additional load from MSEDCL Lr. dt. 25/11/06, 30/03/07, 11/01/07, 03/04/07, & same letter shown to the concerned Officer i. e. Flying Squad Officer. But consumer actually applied on 20/06/08 & submitted same copy to the forum. The licensee given a letter to the consumer regarding Flying Squad recovery which was received by the consumer on 15/11/08. The consumer informed that while processing his application for additional load sanction, it was intimated vide letter No. 2538 dt. 02.08.08, by licensee that there are arrears in respect of following connections at the above said address

i). The address of the (M/s. Atul Chemicals ) consumer No. 02151043989, is "Kunj Bahar, Vithalwadi"., (ii) the address of the consumer No. (M/s. Atul Chemicals) 021510144675, is "Kunj Bahar, Vithalwadi, (iii) the address of the consumer (M/s. Atul Chemicals) No. 021510385036, Near Vithalwadi station Road, (iv) the address of the consumer (P.S. Ballani Atul Chemicals) No. 02151044683, Vithalwadi station Road. Therefore all these four consumers mentioned in the letter and

who are in arrears are not in the Ballani Compound. Hence with the arrears of above four consumers has no relation with this case.

- 15) The consumer representative replied above said letter stating that these consumers are not pertaining to me. During the site visit on 19.01.09 at 11.30 hours the consumer representative informed that the only number 021510144560 is mine & other consumer numbers are not related to him.
- 16). It is noted by forum that on the CPL, submitted by licensee since 1998, the name of the original consumer (cons.No.021510144560) is Shri S.K.Balani. whereas Shri P.S. Balani, the consumer representative is applied for additional load of 35 HP on 20.06.08 in the prescribed form. Therefore the application can not be considered unless change of name is effected in the name Shri P.S.Balani, after completing the formalities. Then he should apply fresh for additional load.
- 17) During routine checking of the Flying Squad of licensee, following irregularities are observed by Flying Squad.
  - a)Excess load of 24 KVA found connected.
  - b)Security Deposit is paid less.
  - c)Penalty is not being levied for the excess M. D. registered & taken every month.
  - d)Billing is done under (a) tariff applied L. T. V – B taiff (b) tariff applicable L. T. V – A since the M. D. registered is more than 27 H.P.
  - e)Low power factor.



f)Single phase supply is being used for commercial purpose.

18)The consumer denied the above irregularities observed by Flying Squad & he has disputed the assessment of Rs. **01,18,800/-** made against the tariff difference, fixed charges and excess load penalty. The assessment made against above irregularities, on the basis of Flying Squad Test Report dated 12.06.08, duly signed by consumer, are correct and the licensee is entitle to recover the same.

19)The forum members along with licensee & consumer inspected the site on dated 19/01/09 at about 12.00 hrs. & decided that consumer is using the lighting load for industrial purpose, so the consumer is liable for industrial tariff for single phase lighting purpose.

20). There were two connections in the name of this consumer, one single phase and another three phase meters. The single phase meter was burnt which is replaced by new single phase meter is not appeared in the CPL and due to non submission of meter replacement report, bills were not issued from the billing Section. This has been pointed by concerned Junior Engineer, during routine checking. Then the recovery proposed from Oct.98 to April 06 for the consumer No.021510143733 for Rs. 3,12,383.59. Consumer is not getting bill from Oct.98 to April 06 due to P.D. consumer. But the consumer was actually availing the supply. As per I.E. 2003 Section 56(ii) the licensee is entitle to recover only for two years from the date of first arrears assessment bill, instead of 8 years. Electricity Act, Section 56(2) reads as

follows:- **“Notwithstanding any thing contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”**

Hence consumer is liable for 24 months recovery only i.e. as follows:

Total 91 months units are 52986. Accordingly 24 months calculation is  $52986 / 91 \times 24 \text{ months} = 13974 \text{ units}$ .

So consumer is liable for payment only for 13974 units (as per I. E. Act 2003, Section 56(2)).

- 21) It is noted that the consumer has sent several letters to licensee dated a)19/01/09, b)Advocate Notice dt. 21/11/08, c)Dt.25/10/08, d)06/10/08, e)Intimation reg. Stay on recovery dt. 29/11/08, f)Lr. addressed to IGRC dt. 29/11/08, g)01/12/08, h)11/12/08, i)31/12/07, j)18/09/07, k)03/04/07, l)02/04/07, m)24/03/07, n)10/01/07, o)11/05/06, p)08/05/06, q)17/03/06, r)Advocate Notice 22/06/06, s)10/05/06, t)11/05/06, u)Court Order dt. 07/02/2000, v)Application for addl. Load dt. 20/06/08.
- 22) The Licensee has also replied to the consumer vide letter dt. a)DyEE S/Dn. 3, Lr.No.1579, dt.15/11/08, b)-do- Lr.No. 616, dt. 27/03/08, c)Insp. Report from F. S. Kalyan dt. 12/06/08, d)Elec. Bill dt.11/11/08 of Rs. 01,53,250/-, e)-do- dt. 03/10/08 of Rs. 01,12,800/-, f)-do dt. 08/05/08 of Rs. 42,600/-, g)DyEE

- S/Dn. 3, Lr. No. 1710, dt. 10/12/08, h)Insp. Rep. dt. 11/03/06  
Jr. Engr.S/Dn. 3, i)Office Note dt.14/03/06 Jr. Engr.S/Dn. 3,  
j)Provisional Bill dt. May 06 of Rs. 03,60,275/-  
k)Lr. from DYEE to EE No. 1164, dt. 04/09/06  
l)Office Note dt. 07/10/06 DyEE S/Dn. 3  
m)Office Note dt. 05/10/06 DyEE S/Dn. 3  
n)B - 80 Proposal dt. 23/11/06 Rs. 03,12,383.59  
o)Lr. DYEE to Nodal Officer KCK-II, No.1769, dt. 24/12/08  
p)Ex. Engr. to consumer Lr.No. 2538, dt.13/08/08 reg. arrears  
q)DyEE to Nodal Officer KCK –II, No. 14, dt. 02/01/09  
r)Bill dt.08/01/09 of Rs. 01,55,950/-  
s)Bill dt. 24/12/08 of Rs. 01,01,290/-
- 23) The licensee has made correspondence in some letters on Shri P. S. Balani & K. S. Balani wrongly instead of wherein the consumer's name is Shri S. K. Balani.
- 24) It has been observed that the licensee has not followed the Hon. Court's orders.
- 25) After hearing & studying all available documents submitted by both the parties, forum come to the conclusion unanimously and pass the following order :

**-- ORDER --**

- 1) The assessment provisional bill of Rs. 3,60,275/- issued to consumer is hereby quashed and set aside (as per para No. 20 above).

- 2) The licensee should adjust the payments made by the consumer, if any, towards above provisional bill, in ensuing energy bills from the date of decision.
- 3) The licensee should issue a fresh assessment bill for 2 years i.e. for 13974 units without interest and DPC (as per para 20 above).
- 4) The licensee should charge Industrial tariff for lighting purpose to single phase connection.
- 5) The consumer should pay Rs.1,18,800/- towards irregularities observed by Flying Squad. (as per para 18 above).
- 6) The licensee should release additional load after effecting change of name (existing consumer's name is Shri S.K.Balani and the name of the consumer applied for additional load. is Shri P.S.Balani). (As per para 14)
- 7) After effecting the change of name, the additional load should be released within one month from the date of completion of formalities. (as per para 14)
- 8). The consumer's pray at Sr.No (J) is hereby rejected.
- 9) The Stay Order for disconnection issued by forum vide Letter No.EE/CGRF/Kalyan/379, dated 17/12/2008 is hereby vacated.
- 10)The compliance should be reported to the forum within stipulated time limit.

11) 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.

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

*“Maharashtra Electricity Regulatory Commission,  
12th 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 :- 28/01/2009**

**(Sau V. V. Kelkar)**  
Member  
CGRF Kalyan

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



