



**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/501/591 OF 2011-2012 OF**  
**SHRI ARVIND DATTATRAY BALANG, GHATEGHAR SAIWAN, TAL :**  
**VASAI REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL**  
**FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

Shri Arvind Dattatray Balang,  
Balang Farm,  
Shirsad – Ambadi Road,  
Ghateghar Saiwan,  
Tal : Vasai, Dist. : Thane – 401 303

} (Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Virar (East) Sub-Division  
Tal : 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 consumer is a L.T.-2 consumer of the licensee and is billed as per Commercial as well as Residential tariff. Consumer registered grievance with the Forum on 15/03/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- Shri Arvind Dattatray Balang

Address: - As given in the title

Consumer No : - 001790318451

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/203 dated 15/03/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Virar(East)/1695, dated 11/04/2011.
- 4) An emergency hearing was held on 11/04/2011 @ 15.00 hrs. and second hearing was held on 19/04/2011 @ 15.00 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Arvind Balang consumer and Shri B. R. Mantri representative of the consumer & Shri Purohit Nodal Officer, Shri N. P. Chaudhary Dy. Ex. Engr. 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 each grievance shall be referred while deciding each of the grievances to avoid repetition.

- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) in the year 1987 to the farm house situated in Village Ghareghar, Shirsad, Tal : Ambadi. According to consumer 10 years back officials of the licensee without notice changed the tariff of use of electricity from residential to commercial and illegally charged commercial tariff though actual use is of residential. Consumer frequently requested the licensee to rectify the mistake of use of electricity and charging commercial tariff instead residential in as much as he uses electricity for commercial purpose from one meter only. It is contended on persuasion in the month of Nov. 2010 officials of the licensee installed two meters for residential use changing the tariff commercial to residential and consumer deposited the amount as against the bills. According to consumer inspite he complained 10 years back on residential use of electricity, officials of the licensee did not take steps and went on charging commercial tariff therefore he was not liable to pay the bills raised. Since consumer did not pay the incorrect bill, licensee raised bill of Feb. 2011 of arrears, interest and DPC totaling to Rs. 1,13,430/-. As it was not the mistake of consumer, licensee cannot charge arrears, interest and DPC as above therefore consumer by various letters requested the licensee to revise the bill deducting the amount of arrears, interest and DPC but not responded. Consumer therefore moved the I.G.R. Cell but in vain hence the instant grievance application to direct the licensee to deduct arrears, interest and DPC from the bill and to restore electricity disconnected on 16/01/2011.

- 6) Licensee filed reply dt. 11/04/2011 contending since use of electricity was for picnic / farm house since 2005 commercial tariff was charged, however, on the complaint of consumer Dy. Ex. Engr. Virar Sub/Dn. and Section Engineer Parol during inspection on 23/01/2010 found the consumer using generator for picnic and shooting and not using the electricity of MAHAGENCO therefore from June 2007 residential tariff was charged instead of commercial and that in the month of Nov. 2010 bill was revised and issued to that effect. It is therefore the contention of licensee that since tariff charged as per residential use and not commercial use bill raised and issued in the month of Feb. 2011 is correct and the consumer is liable to pay the same and on this count grievance application being devoid of substance be dismissed.
- 7) According to consumer as seen from his application dated 10/11/2010 on his repeated requests licensee eventually installed two separate meters for residential staff quarters and residential premises apart from the existing meter of commercial use. Licensee by their detail reply dt. 11/04/2011 clearly averred that since June 2007 residential tariff is being charged instead of commercial tariff and since Nov. 2010 the bill for the use of electricity has been corrected and revised. This clearly indicates that the earlier bills based on commercial tariff were incorrect consequently charging arrears as regards commercial use, interest and DPC on the said amount does not arise. In this context consumer was justified in not paying the bill based on commercial use since he was actually using electricity for residential, therefore consumer is not liable to pay the amount of arrears as regards commercial use, interest and DPC included in the said bill. It is to be noted that consumer deposited Rs. 1.25 lakh on 30/07/2010 and Rs.

1.00 lakh on 03/01/2011 as against the bills raised as above. It is not that consumer did not pay any amount towards the use of electricity. Since the bill raised and issued based on commercial use instead residential use imposing arrears as regards commercial use, interest and DPC is not at all justified therefore consumer is not liable to pay the amount on this count and it is proper for the licensee to deduct the amount of arrears as regards commercial use, interest and DPC from the bill under dispute. On perusal the application filed by consumer dated 06/04/2011 his electric supply was disconnected on the pretext of arrears on 16/01/2011. As stated above, consumer deposited the amount twice towards the use of electricity, it is therefore proper to quash the bill under dispute directing licensee to revise the same deducting arrears as regards commercial use, interest and DPC already charged and to restore electric supply forthwith. In this view of the matter grievance application will have to be allowed and hence the order :

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

- 1) The grievance application is allowed.
- 2) Bill under dispute for the month of February 2011 is quashed and the licensee is directed to revise the same deducting the amount as regards arrears on commercial use, interest and delay payment charges within 30 days and compliance should be reported within 45 days from the date of receipt of this decision.
- 3) Licensee to restore electric supply of consumer forthwith and compliance be reported.

- 4) 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”.*

- 5) 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 : 23/05/2011

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan