



Consumer Grievance Redressal Forum, Kalyan Zone  
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No. K/E/754/908 of 2013-14

Date of Grievance : 18/1/2014  
Date of Order : 09/04/2014  
Total days : 81

**IN THE MATTER OF GRIEVANCE NO. K/E/754/908 OF 2013-14 IN RESPECT OF SHRI RAMESH KASHARAM ACHHARA, OF BARRACK NO.84, REKHA APARTMENT, ULHASNAGAR-1, , DIST-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCESSIVE ENERGY BILL.**

Ramesh Kasharam Achhara  
Barrack No.84, Rekha Apartment,  
Ulhasnagar-1,  
Dist. Thane.  
Consumer No.021510675077)

.... (Hereafter referred as Consumer)

Versus  
Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer, MSEDCL,  
Ulhasnagar Sub-Divn.-II,

.... (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri Rajput –Consumer's representative.  
For Licensee - Shri Khan –Nodal Officer/Dy.Exe.Engineer

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the

notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2005’.

2] This grievance is presented by applicant on 18/1/2014, making grievance about excessive bill towards faulty meter. On receiving it, it’s copy with grievance sent to the Nodal Officer of Licencee on 22/1/2014 vide this Forum letter No. EE/CGRF/Kalyan/018 dated 18/1/2014. On receiving it, Licencee appeared through it’s Officer , filed reply enclosing with it CPL and other documents on 3/2/2014. Even applicant added his written submission on 18/2/2014. Then matter was taken up on 15/3/2014, then it was kept on 1/4/2014.

3] We heard both sides. Consumer’s representative Mr. Rajput made submissions and towards Licencee submissions were made by Nodal Officer Shri Khan. They argued in terms of application and reply. On the basis of material on record, following factual aspects are disclosed:

a] Grievance now brought before us pertains to ‘consumer’ Ramesh Achhara, having consumer No.021510675077 and supply was provided to the said Achhara on 19/1/1995. It is claimed that said Achhara, is not available, he built up the building and sought supply for motor pump and lightening common in the building . Occupants are there, who were bearing the expenses and there was no any dispute till December 2012.

b] It is contended that applicant Mr. Ram Manumal Raheja filed this grievance in the capacity of temporary Secretary of the residents, residing therein and reliefs are sought, contending that heavy bills are issued, when actually recording readings, meter recorded but Licencee’s Officers and meter readers, manipulated the record and

ultimately heavy bill is issued on 19/9/2013 to the tune of Rs.1,73,520/-. About the said false record prepared, the Officers of Licencee filed FIR with the police, but the dues are not being dealt, which are illegal.

c] It is contended that for non payment of said bill, supply is disconnected on 11/11/2013. It is contended that towards the said defective bills, applicant informed Licencee on 13/5/2013, 6/6/2013, spot inspection was conducted on 25/7/2013 and meter replaced on 1/8/2013. Replaced old meter tested on 19/8/2013 and no display was noticed. Accordingly, it is contended that illegally amount was demanded to the tune of more than Rs.1,73,000/- and towards it's non payment supply is disconnected.

4] Factual aspect pertaining to the meter tested and no display seen is clear, bill issued is, supported by the Officers of Licencee. However, with intent to know the status of applicant, we tried to find out whether this particular supply is in the name of society or the present secretary. But, it is made clear that there is no change in the name for the said supply. It is contended that so many residents are residing there, but neither society is registered nor there is any move for seeking change of name for Association of Persons and hence during the pendency of this matter when this aspect was disclosed, attempt is being done by applicant and residents therein, to seek the change of name. Still it is not complete. Applicant and his representative were made aware about requirement of acquiring status as consumer as per Section 2(15) of the Electricity Act and that a valid consumer can only file grievance before this Forum. Hence, there should be a status available to a person, approaching this Forum, as that of a 'consumer'. In this matter, said status is not demonstrated and it is submitted by consumer's representative Mr. Rajput that status is yet to be secured and it is just not possible to have it within a reasonable time. Hence, he submitted for passing appropriate order.

5] In the light of aforesaid clarification by CR Mr. Rajput, we are clear that applicant herein is not 'consumer', name of old consumer is not yet changed, present applicant or the society registered or unregistered, not succeeded in having their names in place of consumer for existing supply. Unless such status is secured grievance before this Forum, under Electricity Act, is, not tenable. Hence refraining from making any comments on the merit of the matter, but on the basis of fact that applicant approaching is not a 'consumer' as defined under Electricity Act. We are not able to decide this grievance as Forum's existence is, for deciding the grievance of

‘consumer’ and there is definition of consumer in Section 2(15) of the Electricity Act, wherein present applicant is not covered. Hence, this grievance is to be disposed off.

6] This matter could not be decided in prescribed time as consumer’s representative sought time to apprise this Forum about applicant trying to have the name change for supply, but it was not possible till 1/4/2014. Accordingly, on 1/4/2014, CR submitted that change in name will not possible within a reasonable time. Accordingly, this aspect lead for delay in deciding the matter.

Hence the order.

### **ORDER**

1] Grievance application of consumer is hereby disposed off as applicant is not consumer as per definition under Electricity Act i.e. 2(15).

Dated:09/04/2014

I agree

I agree

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

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF,Kalyan

(Sadashiv S.Deshmukh)  
Chairperson  
CGRF, Kalyan

#### **NOTE: -**

a) The consumer if not satisfied, 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”.*

b) 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”*

c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

