



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/N/036/369 OF 2009-2010 OF SHRI HIRALAL SHANKARLAL PATEL (M/S. J. K. BUILDERS), KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Shri Hiralal Shankarlal Patel
M/s. J. K. Builders
Shop No. 6, Opp. Bhanu Talkies,
Kalyan (West) : 421 301

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West Sub/Dn No. III

} (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 (MERC) 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 complainant registered grievance with the Forum on 12/03/2010 regarding New Connection/Excessive Bill. The details are as follows: -

Name of the complainant : Shri Hiralal Shankarlal Patel

(M/s. J. K. Builders)

Address: - As above

Consumer No : - 020020422913

Reason for Dispute : - Regarding New Connection/Excessive Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/118, dt. 12/03/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan West Sub/Dn No. III filed reply vide letter No. DYEE/KLN(W)/Sub.Dn.III/ 534, dt. 25/03/2010.

- 4) The Members of the forum heard both the parties at length on 29/03/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Smt. Mumira M. Adtani, Consumer (user), Shri D. B. Nitnavare Nodal Officer, Shri A. G. Joshi, Jr. Engr., Smt. A. V. Jogdeo A. A. 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 the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5) Meter stands in the name of J. K. Builders, however grievance lodged by the complainant Shri Hiralal Shankarlal Patel on behalf of the user Mrs. Mumira M. Adtani. Since December 2001 Mrs. Adtani is tenant in the Shop No. 6, opp. to Bhanu Talkies Kalyan (West) vide consumer No.

020020422913. It is her grievance that meter installed in the said shop was faulty, therefore it was changed thrice till February 2005. It is her contention that she is running Beauty Parlour in the said shop where her consumption is very minimum and inspite of this licensee was issuing bills of huge amount to which she was very much shocked and put to financial difficulties. It is her contention that her average consumption is around 120 units per month, however in the month of March 2003 she had received bill of 5838 units, May/July 2003 1458 (+) 1458 units of the total amount of Rs. 50,736/- which she was not able to pay. She complained to that effect to the officials of the licensee and requested to revise excessive bill by giving her new connection but in vain. User Mrs. Adtani for all these reasons through Shri Patel lodged this grievance with a prayer to direct the licensee to revise the bill amount and to issue new electric connection.

- 6) Licensee in the beginning opposed the contentions raised by the complainant contending that the bills of correct amount as per actual consumption of electricity were issued. It is contended that in the month of April 2005 then outstanding amount since not paid, meter was permanently disconnected, thereafter also the consumer remained unpaid and since year 2007 meter is permanently disconnected. According to licensee since the consumer is in arrears of electricity consumption bill, giving of new electricity connection does not arise. However, during the course of hearing Dy. Ex. Engr. Kalyan vide detail report dt. 05/04/2010 pointed out that bills were incorrect and that consumer is now due to pay only Rs. 1965.11 and on depositing the same, new connection as per rules can be given.

- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether licensee issued bills as per actual consumption of electricity ?	NO
b)What is due against the consumer ?	Rs. 1965.11
c)What Order ?	As per Order below

Reasons

- 8) According to the user Mrs. Adtani as seen from her application dt. 21/12/09, meters installed in the premises were faulty therefore she was given electricity bills of incorrect amount after January 2003. It is her contention that she runs Beauty Parlour in the premises since December 2001 where her average consumption is around 120 units per month in as much as only two tubes and one ceiling fan have been fixed in the premises and in this context bill of 5838 units given in the month of March 2003 was obviously excessive which shocked her and put to financial difficulties. On perusal the electricity bills placed on record show bill for the months February and March 2003 was of 5838 units, April and May 2003 of 1458 units, June and July 2003 of 1458 units and that August and Sept. 2003 of 120 units. It is further seen from the record from Oct. 2003 to Sept. 05 electricity supply was permanently disconnected and the supply continued in the month of Oct. 2005 vide

meter No. 1523177. Further it is seen that from the month of January 2007 supply has been permanently disconnected for arrears of electricity bill. In the light of Commercial Circular No. 98, dt. 07/08/2009 and the relevant Regulations issued by the MERC the Dy. Ex. Engr. Kalyan Sub-Division No. 3 under the powers vested with him vide detail report dt. 05/04/10 pointed out that the bills for the month February and March 2003 of units 5838 so also bill of 2916 units for the months April, May, June, July 2003 were incorrect and hence withdrawn. It is mentioned in the report that considering average consumption of electricity, bills are corrected, consequently excess charged amount Rs. 16862.54 has been deducted from the total charged amount. As such instead 5838 units actual consumption units comes to 265 of Rs. 1126.91 and the total consumption units from Oct. 05 to Dec. 05 comes to 181 units. In short, as per this report, after deducting the amount paid by the consumer only Rs. 1965.11 remained to be paid by the consumer to the licensee. As stated above vide bills licensee demanded Rs. 33,074 (+) Rs. 20,013 = Rs. 53,087 as arrears against the consumer and for this arrears meter has been permanently disconnected. As per the rules, for arrears against the consumer, successor is not entitled to new connection unless the arrears is paid, therefore it appears, licensee refused to give new connection.

- 9) As per the report referred to above, it is apparent that bills as per actual consumption of electricity were not issued and when considered this aspect in the light of the Rules and Regulations discussed supra, the Dy. Ex. Engr. rightly pointed out the due amount stands against the consumer/user/occupier of the premises only Rs. 1965.11 and they are

liable to pay the same to the licensee. In view of this, we find force in the contention of complainant that the electricity bills were not issued as per actual consumption consequently bills were incorrect and the same deserve to be revised. Consequently grievance application will have to be partly allowed directing the user consumer to pay Rs. 1965.11 as arrears to the licensee. Points are answered accordingly and hence the order :

ORDER

- 1) Grievance application is partly allowed.
- 2) Consumer to pay Rs. 1965.11 to the licensee towards the arrears of electricity bill within 30 days from the date of receipt of this order. If the consumer fails to pay the said amount within the stipulated time given above, she is liable to pay interest at the Bank rate, till the payment of the entire amount.
- 3) On depositing the outstanding amount as above the consumer has liberty to file application for new connection as per rules.
- 4) Compliance should be reported within 60 days from the date of receipt of this order.
- 5) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”

Representation can be filed within 60 days from the date of this order.

6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th 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” within 60 days from the date of this order.

Date : 03/05/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan