



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/381/434 OF 2010-2011 OF SHRI SHRICHAND NEWANDAS KARARA, ULHASNAGAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Shrichand Newandas Karara
Naaz Photo Studio
17 Section, Gala No. 03
Ulhasnagar : 421 003

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Ulhasnagar 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 consumer is a single phase LT consumer of the Licensee and is billed as per commercial tariff. The consumer registered grievance with the Forum on 27/09/2010 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : Shri Shrichand Newandas Karara

Address: - As above

Consumer No : 021510148697

Reason for Dispute : - Regarding Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0462, dt. 27/09/2010 to the Nodal Officer of the Licensee.
- 4) As per request of the consumer an emergency hearing was fixed on 11/10/2010 at 16.30 hrs. The Members of the Forum heard both the parties at length on 11/10/2010 @ 16.30 Hrs. in the meeting hall of the Forum's office. Shri Shrichand N. Karara, Shri Rajesh N. Karara Consumer, Shri R. V. Purohit Nodal Officer, Shri C. S. Damse, Dy. Ex. Engr., Shri V. D. Kale Asstt. 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 the parties in respect of grievance since already recorded in detail, will be referred to avoid repetition.
- 5) According to the consumer he runs Photo studio in the name 'Naaz Photo Studio' at 17 Section, Ulhasnagar since many years. He has taken electric connection for the said studio. It is contended consumer's average bill was

and is about Rs. 1000 to 2000 per month however for the first time he received bill of huge amount of Rs. 68,100/- alleging he had indulged in unauthorized use of electricity. Consumer averred that he never used electricity unauthorizedly therefore the said bill was unreasonable and excessive. He requested the officials of the licensee to revise the bill however instead reducing the bill they discontinued the supply. On discontinuation of supply consumer approached the concerned officials but they refused to reconnect the supply and to accept the part payment therefore consumer lodged this grievance with request to direct the licensee to revise the bill and to reconnect his supply.

- 6) Licensee opposed the contentions as above. It is contended that Flying Squad inspected the meter on the spot on dt. 04/09/2010 and it was found running slow therefore it was replaced and when accuchecked in Lab. it's lead seal was found broken therefore under panchanama in the presence of panchas the meter was seized. During investigation it is transpired consumer unauthorizedly used electricity tampering the meter therefore as per Section 126 of the Electricity Act bill was properly assessed provisionally for the amount mentioned above and the consumer is liable to pay the said amount. Since the consumer did not deposit the bill amount inspite of receipt of notice his connection was discontinued, consequently licensee prayed to dismiss the grievance.
- 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 this Forum has jurisdiction to decide this grievance vide Clause 6.8 of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006” ?	NO
b). What Order ?	As per Order below

Reasons

- 8) According to the consumer his consumption is average however all of a sudden he received bill of Rs. 68,100/- is absolutely unreasonable and excessive. As against this licensee pointed out that consumer indulged in unauthorized use of electricity by breaking lead seal of the meter therefore his bill is assessed under Section 126 of the Electricity Act. Inviting our attention to the Clause 6.8 (a) of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006” representative for the licensee submitted that grievance falls within the purview of Section 126 of the Electricity Act therefore Forum has no locus to entertain and decide the same. On perusal the records it is seen Flying Squad when inspected the meter in the premises of the consumer it was running slow therefore meter was replaced on 04/09/2010 and when accuchecked in Lab. meter’s lead seal was found broken indicative of tampering meter to consume electricity unauthorizedly attracting the provisions of Section 126 of the E. Act. On going through the panchanama dt. 04/09/10 and accucheck testing report we are prima facie of the view that the instant grievance since concerning to the unauthorized use of electricity

squarely falls within the purview of Section 126 of the E. Act which excludes the jurisdiction of this Forum as per the provision referred to above. Since the Forum has no locus to entertain grievance, question of giving direction to revise the bill and to reconnect the supply of consumer does not arise. Consequently the grievance will have to be disposed off for want of jurisdiction. Point is answered accordingly and hence the order :

ORDER

- 1) Grievance application is disposed off for want of jurisdiction.
- 2) 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”.

Date : 13/10/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan