



Consumer Grievance Redressal Forum, Kalyan Zone  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West)**  
**421301**

**Ph: – 2210707 & 2328283 Ext: - 122**

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**IN THE MATTER OF GRIEVANCE NO. K/E/155/0177 OF 08-09**  
**OF THE SECRETARY, PRINCE MARKET PREMISES CO.**  
**C/o SHRI VASUDEV S. LALWANI REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN**  
**ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

The Secretary, Prince Market premises Co.  
C/o. Shri Vasudev S.Lalwani  
Shop No.19, Prince Market,  
Ulhasnagar-421 003

} (Here in after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
after  
Company Limited through its Deputy  
Executive Engineer, Sub Dn.II, Ulhasnagar

} (Here in  
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 registered grievance with the Forum on dated 05/01/2009 regarding excessive billing against P.D.arrears.

The details are as follows: -

*Name of the consumer: - Shri Vasudev S. Lalwani.*

*Address: - As above*

*Consumer No: - 021510335047*

Reason for Dispute:- Excessive Energy bills against PD arrears.

3. The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/008 dt.05/01/2009 to Nodal Officer of licensee. The licensee replied vide letter No.Dy.EE/Sub-Dn.Ulh.II/181 dt. 29.01.09.

4. The Chairperson was absent. The Member Secretary & Member of the Forum heard both the parties on 02.02.2009 @ 15 Hrs. In the meeting hall of the Forum's office. Shri Vasudev S.Lalwani, Consumer and Shri Y.V.Kamble (Nodel Officer Incharge), Shri V.B.Wani, Dy.Ex.Engr. and Shri A.N.Surve, Asstt.Acctt. Representatives of the licensee attended the hearing.

5. The consumer contended that he taken an electric supply in 1997 through meter No.10875982 having consumer No.021510335047 to his shop No.19 (ground floor) at Prince Market premises Ulhasnagar. The connection is in the name

of Secretary, Prince Market Premises Co.Op.Shop No.19 Ulhasnagr, though he is the owner of the shop. His dispute started from 1999 onwards when the licensee started billing on high average basis. He said despite making correspondence with licensee vide his letter dated 30.6.99, 01.09.00, 26.10.00, 25.01.00, 16.03.00, 03.05.00, 06.09.00 and 01.01.01, the licensee changed his meter on 18.4.01 and average bill issued for 1284 units for two months, where the actual consumption was 579 units for 5 months. He again made No.of correspondence with licensee to revise higher side average charged on him. But licensee neither replied nor revised the bills. He said he paid Rs.25,000/- in Aug.99, Rs.15,000 in April 01, Rs.20,000/- in April 03, Rs.5000/- in Dec.03, Rs.5000/- in Nov.04, Rs.2000/- in Jan.05, Rs.2000/- in Mar.05, Rs.2000/- May 05, Rs.2000/- in June 05, and last payment Rs.2060/- on 21.7.05 totaling to Rs.80,060/- during the period of Aug.00 to July 05. Whenever he goes to the licensee, they only say to make the payment, but nothing said about the revision of the bill. Finally licensee officer Mr.Mudalier said to him to give cheque of Rs.2000/- every month till we finalise the dispute, to avoid disconnection. He said he had no such consumption and not able to cough out this much amount every month. He fed up with dealing with the licensee, finally he stopped the payment and his electricity supply permanently disconnected in Feb.06. Thereafter he closed his shop and left to Nashik and started to work there to feed his family. Now he wants to start his business, if supply

is restored. He is ready to make payment towards actual consumption, if the licensee revises the bills. He further stated that his son is disabled and he is only earning member in the family. This shop is his only one source of bread & butter.

6. On the queries the licensee replied that Shri V.S.Lalwani, Shop owner (The connection is in the name of Secretary Prince Market Premises CHS Shop No.19), approached licensee office for clearance of P.D. arrears. As per CPL this connection is PD in Feb.06 and arrears on the same consumer upto Feb.06 was Rs.675488.51 and including interest of Rs.167480.51 from Feb.06 to Nov.08. A challan for total payment of Rs.84305.10 has been issued to him on 29.11.08 as per his request. But he has not paid the payment till to day.
7. The licensee informed to the forum vide letter No.253 dt.16.02.09 that the consumer is billed for 18331 units for 81 months. Later the licensee informed the actual position vide letter No.256 dt. 17.02.09 that considering the CPL as authentic record, the consumer is liable for payment of Rs.67548.51 (after giving credit and deducting wrong billing adjustment) and interest thereon as per Company's rule.
8. Forum observations:
  - a). Considering the CPL as authentic document the consumer is liable to pay the arrears of Rs. Rs.67548.51 as on Feb.06 ( P.D.month )as per Maharashtra electricity regulatory commission (Electricity Supply Code and other Conditions Of supply) Regulations,2005, Section 10.5 which is read as "Any

*charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner/occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives /successors-in-law or transferred to the new owner/occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successor-in-law or new owner/occupier of the premises, as the case may be:*

*Provided that, except in the case of transfer of connection to a **legal heir**, the liabilities transferred under this regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises. “*

*It is clear that Legal Representative should pay all arrears and then he is eligible for getting new connection. In this particular case forum observed as follows :*

- a) The premises is same.*
- b) There is no question of any Legal Representative because the consumer also the same. Therefore he is liable to pay the complete arrears amount of Rs. 67548.51 as on February 2006 because he himself used electricity.*

- 9). After hearing both the parties, studying all available documents submitted by Licensee as well as Consumer, forum unanimously passed following order.

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

- 1) The licensee is entitle to recover the arrears as on Feb.06 amounting to Rs.67548.51(Rupees sixty seven thousand five hundred forty eight and paise fifty one only)
- 2). On receipt of above amount, fresh connection may be given after observing all formalities.
- 3). 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.

Date : 24/02/2009

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

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

