



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph.– 2210707 & 2328283 Ext:- 122

IN THE MATTER OF GRIEVANCE NO.K/E/035/0040 OF
05-06 OF SMT AARTI S KOWANI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESS BILLING.

Smt. Aarti S. Kotwani (Here in after
Flat No. 802, Sona Apartment, referred to
Goal Maidan, Ulhasnagar 42100. as consumer)

Versus

Maharashtra State Electricity Distribution Co. Here in after
Ltd. through its Assistant Engineer, referred to
Sub-Division – I, Ulhasnagar 1 as
licensee

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal

Forum & Ombudsman) Regulation 2003” 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 L.T. consumer of the licensee connected to their 415-volt network. The consumer registered grievance with forum on 7/11/2005. The details are as follows.

Name of consumer: - Smt Aarti S. Kotwani

Address: - Same as above

Consumer No.: - 021510619665.

The electricity bill stands in above name but the present occupier of flat No. 802, Sona Apartment, Goal Maidan, Ulhasnagar 421001 is Shri R.M. Hotchandani.

- 3) The batch of papers containing above grievances was sent by forum vide letter No. 0354 dated 9/11/2005 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) All three members of the forum heard both the parties on 01/12/2005. Shri R.M. Hotchandani represented consumer. Shri H.K. Randive Nodal Officer and Shri S.H. Nemade Assistant Engineer, represented licensee.
- 5) Shri R.M. Hotchandani submitted that the arrears of Rs. 34,577/- were included in his bill of October 2004. He said

that this arrears, it is learnt from licensee, pertains to the consumer No. 021510541011 of Suresh K. Bhavnani the then occupier of flat No 802, Sona Apartment. He further said that he is using electricity from meter having consumer No. 021510619665 standing in the name of Smt Aarti S. Kotwani. He further said that this arrears does not pertain to him & as such he is not duty bound to pay this arrears to licensee.

- 6) Shri S.H. Nemade submitted that premises being same, the arrears of consumer No. 021510541011 were included in consumer No. 021510619665 from which Shri R.M. Hotchandani and his family is using electricity. He further said that the arrears of Rs. 34,577/- pertain to the period from 1990 to June 1997. This arrears was first claimed by licensee vide letter dated 17/09/2003 addressed to Smt A. S. Kotwani (who is consumer as per record of licensee). He also said that this arrears was first included in computerized regular bill of October 2004.
- 7) On being asked by the forum, the basis of claiming these arrears from the present consumer after laps of six years and after permanently disconnecting supply of the earlier consumer, Shri Nemade & Shri Randive did not offer any comment.
- 8) The forum observed that the arrears of Rs. 34,577/- pertains to the period prior to Electricity Act, 2003 (EA, 2003) coming into force and the licensee could have

collected these arrears as “arrears of land revenue” as provided in repealed Indian Electricity Act, 1910 but licensee failed to do so.

- 9) The forum also observed that the arrears of Rs 34,577/- pertaining to the period from 1990 to June 1997 was first claimed by licensee on 17/09/2003 in the bill of Smt Aarti S. Kotwani having consumer No. 02510619665 (the present occupier using electricity is Shri R.M. Hotchandani who is paying the electricity bills). The forum also observed that these arrears of Rs 34,577/- pertain to Shri Suresh K. Bhavnani consumer No. 0214510541011, the then occupier of flat No. 802 whose supply was permanently disconnected by licensee.
- 10) As per the Limitation Act, 1963, the claim of Rs 34,577/- of the period from 1990 to 1997 claimed first by licensee on 17/09/2003 has become time barred. Notwithstanding the provision of Limitation Act, 1963, the licensee cannot claim arrears of Rs 34,577/-, pertaining to consumer whose supply has been permanently disconnected (Shri Suresh K. Bhavnani having consumer No. 02510241011), from Smt Aarti S. Kotwani having consumer No. 021510619665 and as such claim becomes null and void.
- 11) After carefully going through the entire episode, we, unanimously, pass the following order.

O-R-D-E-R

1. The claim of Rupees Thirty four thousand five hundred seventy seven (Rs.34,577/-) only pertaining to the period from 1990 to June 1997 claimed by licensee vide letter dated 17/09/2003 addressed to Smt A.S. Kotwani (who is consumer as per record of licensee) is, hereby, set aside and quashed.
2. The interest and delayed payment charges charged on Rs 34,577/- up to current bill is also withdrawn.
3. The licensee should send bills as per consumption recorded on meter having consumer No. 021510619665 as per usual procedure from next billing cycle onwards.
4. 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".

Date: - 08/12/2005 consumsr

(Sau.V.V.Kelkar)

Member

(I.Q.Najam)

Chairperson

CGRF Kalyan

CGRF Kalyan

(J.P. Soni)

Member Secretary

CGRF Kalyan