



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/036/0041 OF**  
**05-06 OF LATA X-RAY/SONOGRAPHY (DR.S.K.RAJE)**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL**  
**FORUM KALYAN ZONE, KALYAN ABOUT INCLUSION OF**  
**OLD ARREARS NOT PERTAINING TO PRESENT OCCUPIER**  
**OF THE PREMISES.**

Lata X-Ray/Sonography (Dr. S.K. Raje) (Here in after  
112-114 Vardhaman Shopping Complex referred to  
Behind Shivaji Statue, Manpada Road  
as consumer  
Dombivli (E)

**Versus**

Maharashtra State Electricity Distribution Co. Here in after  
Ltd. through its Deputy Executive Engineer, referred to  
Dombivli Sub-Division-I (E) 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 9/11/2005. The details are as follows.

*Name of consumer: - Vardhaman Enterprises.*

*Address: - Vardhaman Shopping Centre, Office 116, Manpada Road, Dombivli (E), Pin Code No. 421201*

*Consumer No.:- 020012109254*

*The name of the consumer as per electricity bill is as given above but the occupier of the premises is Dr. S.K. Raje and Smt. S.S. Raje running their clinic under the name of Lata X-ray/Sonography.*

*The consumer made the following prayer in their grievance application.*

*The premises of gala No 112, 113 and 114 belong to Dr. S.K. Raje and Mrs. S.S. Raje having above consumer No. They are using electricity from meter No. 800235892. This*

*consumer No. does not have previous arrears as they are regularly paying electricity bills to licensee. Licensee all of a sudden in the bill of 26/09/2005 included arrears of Rs.50,682/- pertaining to consumer Nos. 020012109181 & 020012109190 as per their letter dated 16/09/2005 addressed to consumer.*

- 3) The batch of papers containing above grievance was sent by forum vide letter No. 356 dated 10/11/2005 to Nodal Officer of licensee. The letter was replied vide No. 2685 dated 3/12/2005.
- 4) All three members of the forum heard both the parties on 5/12/2005. Shri Shrikant Raje, Smt Shruti Raje, and Shri V. V. Jadhav represented consumer. Shri P.S.Ghewde Assistant Engineer and Shri U. S. Lele Junior Engineer represented licensee.
- 5) Dr. Raje and Smt Raje said that the arrears of Rs. 50,682/- do not pertain to their consumer No. 020012109254 and meter No. 800235892 through which they are using electricity and as such they are not duty bound to pay these arrears and requested forum to order licensee to delete this arrears from their bill.
- 6) On inquiry about the period of non-payment of bills Shri Ghewde clarified that the consumer is having three galas having Nos. 112, 113 & 114. He said that gala Nos., consumer Nos. period of non-payment of bills, amount of

arrears and date of intimation of arrears to the consumer is as given in table below.

<b>Gala No.</b>	<b>Consumer No.</b>	<b>Period</b>	<b>Amount in Rs.</b>	<b>Date of intimation</b>
113	02001210918 1	12/08/92 to 12/05/93	22,140	16/09/05
114	02001210919 0	18/08/94 to 16/09/94	28,542	16/09/05
Total			50,682	

- 7) The licensee replied vide letter No. 2685 dated 3/12/2005 that: -

The three consumer Nos. namely 020012109254 of gala No. 112, 020012109181 of gala No. 113 and 020012109190 of gala No. 114 are standing in the name of M/s. Vardhaman Enterprises and at present used by Mr. and Mrs. Raje. Consumer No. 020012109181 and 020012109190 were permanently disconnected due to non-payment of arrears. However, during inspection carried out on 23/03/2005 it was observed that Mr. and Mrs. Raje is using electric supply in the above premises

through the meter provided for consumer No. 020012109254 of gala No.116. Hence the arrears due on consumer Nos. 020012109181 and 020012109190 were transferred to consumer No. 020012109254 for recovering. The recovery of arrears is justified as consumer is availing and using the supply in the premises of gala Nos. 113 & 114.

- 8) The forum observed that the arrears of Rs. 50,682/- pertain to the period prior to Electricity Act, 2003 (EA, 2003) coming into force and the licensee could have collected these arrears, after permanent disconnection of supply, as “arrears of land revenue” as provided in repealed Indian Electricity Act, 1910 but licensee failed to do so.
- 9) The forum made the following observation for the arrears of Rs 50,682/-. The arrears pertain to the period from 12/08/92 to 12/05/93 of consumer No. 020012109181 amounting to Rs. 22,140/- and to the period from 18/08/94 to 16/09/94 of consumer No. 020012109190 amounting to Rs. 28,542/-. Licensee on 16/09/2005 in the bill of August 2005 first claimed the total arrears of Rs. 50,682/-. The forum also observed that these arrears of Rs 50682/- pertain to consumer No. 020012109181 & consumer No 020012109190, the then occupier of gala No. 113 & 114 whose supply was permanently disconnected by licensee.
- 10) As per the Limitation Act, 1963, the claim of Rs 50682/- of the period from 12/8/1992 to 16/9/1994 claimed first by

licensee on 16/09/2005 has become time barred. Notwithstanding the provision of Limitation Act, 1963, the licensee cannot claim arrears of Rs 50682/-, pertaining to consumers whose supply has been permanently disconnected. (consumer No. 020012109181 & consumer No 020012109190), from Dr. Raje and Smt Raje occupier of gala No. 112, 113 & 114 using electricity from meter No. 8000235892 having consumer No. 020012109254 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 Fifty thousand six hundred eighty two (Rs.50, 682/-) pertain to the period from 12/08/92 to 12/05/93 of consumer No. 020012109181 (amounting to Rs 22,140/-) and to the period from 18/08/94 to 16/09/94 of consumer No. 020012109190 (amounting to Rs 28,542/-). These arrears claimed by licensee in the bill of August 2005 from consumer No. 020012109254 is, hereby, set aside and quashed.
2. The interest and delayed payment charges charged on Rs 50, 682/- up to current bill is also withdrawn.

3. The licensee should send bills as per consumption recorded on meter No. 8000235892 having consumer No. 020012109254 as per usual procedure from next billing cycle onwards.
4. The consumer should approach licensee within 60 days from the date of this order for change of name from Vardhaman Enterprises to their own name. The licensee, thereafter, should send the correct bills.
5. 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 400005.

Appeal can be filed within 90 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, 13<sup>th</sup> 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*

*CGRF, Kalyan*

*CGRF, Kalyan*

**(I.Q.Najam)**

*Chair person*

**(J.P. Soni)**

*Member Secretary*

*CGRF, Kalyan*