



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/037/0042 OF 05-06**  
**OF SHRI SHREERAM B. KHANDEKAR REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN**  
**ZONE, KALYAN ABOUT ASSESSMENT OF ARREARS AS**  
**PER BILL DATED 13/06/05.**

Shri Shreeram B. Khandekar	Here in after
44 Niranjana Co-Op. Hsg Soc.	referred to
Gandhi Road, Dombivli	as consumer
Pin code - 421202	

**Versus**

Maharashtra State Electricity Distribution Co.	Here in after
Ltd. through its Assistant Engineer,	referred to
O & M Sub-Division, Dombivli (W).	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 10/11/2005. The details are as follows.

*Name of consumer: - Shri Shreeram B. Khandekar.*

*Address: - Same as above*

*Consumer No.:- 020011183019.*

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

- i) Billing charges and amount should be proper, valid and transparent and the arrears should be waived off.*
- ii) Orders of the Commission (MERC) should be adhered to.*
- iii) All the previous payments should be acknowledged and adjusted. Electricity line should not be disconnected till the case is settled.*
- iv) Cost of the case should be reimbursed.*
- v) Allow me not to pay the remaining amount of arrears of approx Rs. 8660/- till the case is settled.*

- 3) The batch of papers containing above grievances was sent by forum vide letter No. 358 dated 16/11/2005 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) All three members of the forum heard both the parties on 8/12/2005. Smt S.G.Joshi, represented consumer. Shri N.L.H. Rao, Nodal Officer and Shri S.R. Shirsagar LDC represented licensee.
- 5) Forum, as per prayer of consumer, passed the order vide letter 358 dated 16/11/05-asking licensee to restrain from disconnection of supply till its decision.
- 6) Mrs. Joshi repeated grievances/prayer mentioned in para 2 above. She said that licensee charged the consumer an amount of Rs 26, 070 as arrears from April 2001 to June 2005 in the bill of dated 13/06/2005 but subsequently reduced arrears amount to Rs. 15,225/- in the bill of dated 18/08/2005. She said that licensee cannot claim this amount of 51 months as per Section 56 of the Electricity Act, 2003. She requested forum to issue orders to pay dues to licensee as per above section.
- 7) Shri Rao said that consumer's meter No. 2374216 was faulty and was showing erratic result from October 98. This meter was changed in April 2001 as can be seen from CPL. He further said that replacement details of this faulty meter was not fed to computer till September 2005. He said that the new meter No. 10246381 was installed in April 2001 but

due to error of not feeding data to computer consumer was billed on average consumption as per pattern of consumption of meter No. 2374216. He added that consumer ought to have been billed as per consumption recorded on meter No. 10246381 from April 2001.

- 8) We now take up the matter to decide whether the action of the licensee to claim the sum due from consumer vide bill dated 13/06/2005 is correct or otherwise. The licensee has claimed Rs 15,225/- as recovery for the period from April 2001 to June 2005. For this purpose we take a look to section 56 (2) of Electricity Act, 2003. The section reads as follows: -

*“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”* It

is seen that licensee has prepared the first bill of sum due from the consumer on 13/06/2005. The licensee can only recover the sum for last two years preceding June 2005. This claim is of 51 months from April 2001 to June 2005 and as such is not recoverable from consumer.

- 9) Shri Rao agreed that licensee would charge consumer as per provision of Section 56 Electricity Act, 2003. Shri. Rao also agreed that licensee would charge arrears to consumer for last 24 months prior to June 2005 as per said section by giving credit of units whatever has been already charged to consumer in last 24 months. Mr. Rao also agreed that necessary credit/debit as the case may be would also be passed on to consumer in the next bill.
- 10) Forum observed that initial meter reading on meter No. 10246381 in the month of July 2005 (i.e. the final reading in the month of June 2005) was 5344 units while initial reading when the meter was erected in the month of April 2001 was 3 units. Thus the total consumption of 51 months was 5341 units. Based on this the consumption of 2 years (24 months preceding June 2005) works out to be 2513 units.
- 11) Licensee vide para 10 above has agreed to charge consumer for last 24 months i.e. 2513 units as calculated in para 11 above less already charged to consumer during last 24 months (preceding June 2005).
- 12) After taking the stock of entire situation and position explained in preceding two paras, we are inclined to pass the following unanimously.

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

- 1) Forum decided not to pass any order about assessment of arrears bill, as licensee had agreed to withdraw the arrears

bill of Rs. 15,225/- and charge 2513 units to consumer as calculated in para 11 above. The grievance stands solved.

- 2) No order is passed about reimbursement of charges to consumer, as there is no base.
- 3) The stay order issued vide forum's letter No. 358 dated 16/11/2005 restraining licensee to disconnect supply stands vacated, after issue of bill as per para 11 above.
- 4) Interest and delayed payment charges should not be charged on Rs. 15,225/-.
- 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: - 19/12/2005 Copn sumer**

**(Sau.V.V.Kelkar)**

*Member*

*CGRF, Kalyan*

*GRF, Kalyan*

**(J.P. Soni)**

*Member Secretary*

*CGRF, Kalyan*

**(I.Q.Najam)**

*Chair person*