



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/567/668 OF 2012-2013 OF
SHRI WADHUMAL DEEPCHAND VALECHA ULHASNAGAR REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Wadhupal D. Valecha
Barrack No. 812
Room No. 09, Section 17,
Ulhasnagar – 421 003

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer Ulhasnagar
Sub-Division No. III

(Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "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 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 complainant is a L.T. consumer of the licensee. The complainant is billed as per residential tariff. The Complainant registered grievance with the Forum on 09/01/2012 for Excessive Energy Bill.

The details are as follows :

Name of the complainant :- Shri Wadhupal Deepchand Valecha

Address: - As given in the title

Consumer No : - 021510282318

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/038, dated 09/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Ulh Sub.Dn.3/249 dated 04/02/2012.
- 4) Hearing was held on 07/02/2012 @ 15.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Mukesh Valecha & Shri Lakhi Valecha Consumer Representatives & Shri V. H. Kasal, Asstt. Engr., Shri C. S. Damse, Dy. Ex. 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.
- 5) Brief facts of the grievance application are as follows :
- a) The complainant is the user of Meter No. 7611096561 having Consumer No. 021510282318 standing in the name of his deceased father Shri Wadhupal Deepchand Valecha.

- b) It is the contention of the complainant that licensee had issued a bill showing arrears of Rs. 14,290/- in the month of October 2011.
- c) It is further stated by the complainant that he paid the entire amount of the said bill, the licensee issued a electricity bill of Rs. 9,620/- for the month of November 2011.
- d) The complainant states that though he has paid the entire amount the licensee again issued electricity bill of Rs. 9,820/- for the month of December 2011 showing wrong unit consumption, when the actual consumption was very less.
- e) The complainant further states that the licensee had disconnected his electricity supply without issuing a notice to the complainant for non payment of bills.
- f) It is the grievance of the complainant that though he has paid the entire amount of the electricity bill, his supply was disconnected by the licensee illegally.
- 6) The complainant therefore approached the Forum and requested that :
 - a) Directions be given to licensee to bill him as per actual meter reading.
 - b) Complainant be compensated for illegal disconnection.
 - c) Directions be given to licensee for change of name on the electricity bills.
- 7) The complainant also requested licensee to test the existing meter as he is receiving inflated bills.
- 8) Notice was issued to the licensee for hearing however as per the request of Nodal Officer Kalyan Circle – II vide letter dated 30/01/2012 the matter was postponed to 07/02/2012.
- 9) Licensee failed to file a detail reply though instructed by the Forum repeatedly. On 04/02/2012 licensee filed only a single short letter

addressed to the Nodal Officer Kalyan Circle – II.

- 10) The Forum therefore again issued a letter dated 05/03/2012 and instructed the licensee to test the Meter No. 7611096561 in the presence of the complainant and submit the test report to the Forum.
- 11) The above said meter was tested / accuchecked on 21/03/2012 and licensee submitted the report on 13/04/2012.
- 12) The licensee stated that :
 - a) Bills are issued to the complainant as per actual reading.
 - b) The electricity supply was temporarily disconnected in July 2011 without notice.
 - c) The question of payment of compensation does not arise as the supply was disconnected for non payment of arrears.
 - d) The application submitted by the complainant for change of name is not in a proper format.
- 13) After going through the statements made by the parties and record placed before us, our observations are :
 - a) Site inspection was carried out for accucheck of meter by the licensee on 21/03/2012. The officials of the licensee checked the premises and the above said meter.
 - b) The testing report reveals that meter found – 0.25% slow which is within permissible limit.
 - c) The meter was tested in the presence of the complainant and test report is signed by him.
- 14) In view of the above facts we find no merit in the allegations made by the complainant for excess billing hence the electricity bills raised by the licensee are correct and complainant is therefore liable to pay the bills.

- 15) Record also shows that electricity supply of the Consumer No. 021510282318 was disconnected in July 2011 without notice which is mandatory as per the provisions of Electricity Act 2003, Clause No. 56 (1) which reads as under :

“Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may after giving **not less than fifteen clear days notice in writing** to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity

Licensee vide it's letter No. 0249, dated 04/02/2012 admitted that the supply of the complainant was disconnected without notice. We therefore strongly feel that complainant should be compensated.

- 16) We have further observed that licensee is ready to transfer the electricity bills in complainant's name provided the application for change of name should be in proper format. In this connection Regulation 10 provided under Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 reads as under :

“A connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership or occupancy of the premises, upon application for change of name by the new owner or occupier.”

Further Regulation 10.3 reads as under :

“The application under Regulation 10.2 shall be accompanied by

(i) Consent letter of the transferor for transfer of connection in the name of transferee.

(ii) In the absence of consent letter, any one of the following document in respect of the premises : (a) proof of ownership of premises (b) in case of partition, the partition deed (c) registered deed, or (d) succession certificate.

(iii) Photo copy of licence/permission with respect to the purpose for which electricity is being supplied to the premises, if required by statute.

(iv) Processing fees or receipt thereof.”

- 17) Though the Forum repeatedly instructed the licensee to file say and meter testing report, licensee failed to respond immediately and submitted it's test report on 13/04/2012 hence delay is caused in deciding this case.
- 18) Taking into consideration all the above observations we pass the following order.

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) Complainant is directed to pay the bills raised and issued by the licensee for the disputed period mentioned above within a period of 15 days from the date of receipt of this order, if not paid earlier.
- 3) Licensee is directed to pay to the complainant Rs. 2,000/- (Rs. Two Thousand) towards the amount of compensation as elaborated in para No. 15 of this order within 90 days from the date of this order.
- 4) Licensee is directed to allow the application of the complainant for effecting change of name after receiving documents from the complainant, listed in Regulation 10.3 of Maharashtra Electricity Regulatory Commission

(Electricity Supply Code and other Conditions Of Supply) Regulations, 2005.

- 5) Licensee is directed to report the compliance within 100 days from the date of this order.
- 6) 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”.

- 7) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission 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” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 23/04/2012

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan