



**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/526/622 OF 2011-2012 OF SHRI MADAN YESHWANT PHADNIS, KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL .**

Shri Madan Yeshwant Phadnis,  
Shri Milind P. Parandekar (User)  
Shop No. 06, Shivarth Society,  
Rambaug – 5, Kalyan (West) : 421 301

(Here-in-after  
referred  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Kalyan (West) Sub-Division - I

(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 consumer is a L.T. consumer of the licensee. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 18/05/2011 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Shri Madan Yeshwant Phadnis

Shri Milind P. Parandekar (Actual User)

Address: - As given in the title

Consumer No : - 020020339684

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/457 dated 05/07/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Sub-Dn.I/Kalyan(West)/1261, dated 22/07/2011.
- 4) A hearing was held on 02/08/2011 @ 16.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Milind Parandekar and Shri Ganesh Patil representatives of the consumer, & Shri Rathod Nodal Officer, Shri Gupta Dy. Ex. Engr., Shri Deshmukh Asstt. Acctt. and Shri J. R. Patil U.D. Clerk 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. Submissions made by each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.

- 5) The brief facts of the grievance application are as follows :
  - a) The consumer is having a shop at Shivarth Building, Rambaug – 5, Kalyan (West) since 1988.
  - b) Consumer further states that he has purchased the said premises from one Shri Madan Phadnis who was having residential meter provided by licensee in the premises from 1985, and the said connection stands in the name of Shri Madan Phadnis.
  - c) It is the contention of the consumer that he is paying the electricity bills regularly from the date of purchase of the premises.
  - d) It is further contended by the consumer that he has approached and requested the original owner Shri Madan Phadnis to transfer the connection to his name but Shri Madan Phadnis has not given consent till date.
  - e) The consumer further states that on 17/03/2011 the Flying Squad Kalyan conducted a surprise inspection of his premises after 26 years and issued a bill of Rs. 01,07,677=00 stating that consumer is using the electricity supply for commercial purpose.
  - f) It is the stand of the consumer that since he is paying the bills regularly from 1988, no where he is at fault and it was the duty of the licensee to replace the residential meter and to provide him commercial meter.

- 6) The consumer therefore requested the Forum to direct the licensee to take back the recovery amount assessed by the licensee.
- 7) After receiving the notice licensee appeared and stated that :
  - a) The Flying Squad Kalyan inspected the premises of the consumer on 17/03/2011 and after accucheck found that the meter of the consumer is within the permissible limit.
  - b) Licensee further states that while going through the energy bill of the consumer it has noticed that consumer is charged by L.T. – I tariff and consumer is using the supply for Kunal Engravers i.e. for commercial purpose. Hence it has made the recovery of the tariff difference from the date of connection as per MSEDCL circular and issued a assessed bill to the consumer.
- 8) We have gone through the records kept before us and our observations are
  - a) Flying Squad made the inspection of the premises of the consumer after a long period of 26 years, which is very surprising.
  - b) 26 years licensee did not take pain to verify the CPL of the consumer, even the consumer has not produced any evidence to show that he has requested the licensee to replace the meter from residential to commercial.
  - c) The recovery / assessment made by the licensee is also not as per the provisions of Indian Electricity Act 2003 Section 56 (2) which does not permit the licensee to recover the assessed amount for more than two years.
  - d) The spot inspection report which is signed by the consumer and produced on the record prima facie shows it is the case which comes under Section 126 of Indian Electricity Act 2003.

- e) Moreover, consumer has not denied the fact that he is using the premises for commercial purpose.
- f) Though we have made the above observations the Indian Electricity Act 2003 does not permit the Forum to entertain the grievance application which comes / falls under Section 126 of Indian Electricity Act 2003.
- Hence we pass the following order :

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

- 1) The grievance application stands disposed of since it does not come under the purview of the Forum as per Clause 6.8 (a) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006.
- 2) 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”.*

Date : 09/08/2011

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan