



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/052/0061 OF 06-07 OF SHRI
RADHOMAL KHEMCHAND THADANI WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT THE EXCESSIVE
ENERGY BILL.**

Shri. Radhomal Khmechand Thadani

Here in after

Apartment Block NO. A-36

referred to

Room No. 211 Ulhasnagar-1

as consumer

Versus

Maharashtra State Electricity Distribution

(Here in after

Company Limited through its

referred to

Ulhasnagar I

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 Commission vide powers confirmed 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. Consumer is billed as per Residential tariff. The consumer registered his grievance with the forum on dated 26/04/2006

The details are as follows: -

Name of the consumer: Shri Radhomal Khemchand Thadani

Address: Same as above

Consumer No. 021510369707

Disputed Amount: - Rs. 96,000/-

- 3) The consumer has received a bill dated 16/10/2003, for an amount of Rs. 96,000/- consumer No. 021510369707
1. The consumer approached to the licensee for solving his grievance on dated 23/03/2004 and 9/02/2005 but he could not get his grievance solved, then he approached to the forum vide his application to redress his grievance dated 12/04/2006 and same was received by forum on 24/04/2006.
 2. The case was registered on 26/04/2006 and the relevant paper sent to the concerned Nodal Officer vide letter No. KLNZ/CGRF/0517 dated 26/04/2006 for his parawise comments, which was replied on 15/05/2006a at the time of hearing.
- 4) The hearing on scheduled on 15/05/2006 at 15.00 hrs. in the forums office and the same was communicated to both the parties
- 5) The hearing was held on forums office and attended by forums member Member Secretary, Shri R.G. Maheshwari and Member Sau V.V. Kelkar, licensee's representative Shri M.S.N. Murthy Nodal Officer. Shri S.H. Nemade Assistant Engineer, Shri S.H. Pashupati UDC and consumer Shri Radhomal Khemchand Thadani.
- 6) The consumer repeated his grievance and prayed for the reconnection of power supply to his residence. Consumer also said that he is ready to pay necessary bills on the regular basis.
- 7) The licensee submitted the reply vide letter No. 2052 dated 15/05/2006 stating the following points: - The consumer has three connections in the same name and of which the details are as follows

b) Consumer no. 021510369707 having arrears Rs. 93098.83 is made PD on 22/12/2005

c) Consumer No. 021510369723 having arrears of Rs. Nil at present is PD from October 1997

d) Consumer No. 021510369715 having arrears of Rs. Nil at present is PD from October 2000

The total PD arrears of consumer no. b and c were diverted to consumer No. (a) in October 2003, therefore fictitious arrears of consumer no, a Rs. 30,005.85 were withdrawn and credit passed on to the consumer no.

(a). Now the arrears with consumer no. 02150369707 is of Rs. 93098.83

8) The consumer has submitted a letter on 15/05/2006 requesting for reconnection of supply by licensee and to pay the bill on regular basis of consumer No. 021510369707 and to abide the decision given by the forum.

9) The licensee also submitted the copy of consumer personal ladger and vide letter no. 275dated, 18/05/2006 giving the details, are as follows.

Then consumer has three connections are given to the three separate flats having the name of the same consumer

To the above consumer the following three connections are given to three separate flats having same consumer name, and same address and is on the same floor. The consumer nos. are

1) 021510369707/2

2) 021510369723/2

3) 021510369715/2

The consumer wise a detail was given are as follows.

1) Con. No. 021510369715/2

As per the records available with us from June, 97 it is observed that the consumer has stopped making payment from dated 20/01/1997 and in spite of that, an faulty average billed in respect of the said consumer were withdrawn to the tune of Rs. 6308.92 in the month of June, 05, The said consumer was having P.D. arrears as on date pd (i.e.) of Dec., 2000 to the tune of Rs. 60124.66

As per J/E PC-2's office note date Nil it's stated that the said consumer was made PD in Oct, 97 and hence all fictitious billings from Oct, 97 to the date

of PD (i.e.) Dec, 00 were withdrawn and hence balance arrears amount of Rs. 17396.48 were diverted to the then live consumer in the month of June, 05.

2) Con. No 021510369723/2

The above said consumer has stopped making payment from 26/12/95 onward and he was billed @ 4 units by monthly, from June, 97 to June 98 and from Aug, 98 to Dec, 99 the consumer was billed on average basis and his arrears as on date of PD during Feb, 2000 was Rs. 22824.41 which was diverted on Con. No. 021510369707/2 on the basis of report of J/E PC-2 dated 30/08/2003, during Oct.2003.

3) Con. No. 021510369707 /2 =

With reference to the above, the arrears of the said consumer as on June,97 was 5350.33 and he has not paid any energy bill from 26/12/95 and his arrears as on Feb,2000 was Rs. 300035.51 and for non

Payment of arrears, the said consumer also was made PD during Feb, 2000 and after collection of energy arrears, the consumer was made live during Aug, 2003 (i.e.) from Feb, 2000 to June, 2003 the above connection was also PD and subsequently on Oct, 2003 the PD arrears of Con. (1) and (2) above were diverted on Con. No. (3) above and necessary credit of Con. No. (1) was passed on June 2005 and as on June, 2005 the arrears of the said live Con. No. (3) above was Rs. 81126.38 and for non payment of energy bill after 30/01/2005, the Con. No. (3) also was made PD in Jan,2006, and the arrears as on Jan 2006 is Rs. 93098.83 and till date the consumer is PD.

This is for favour of your information please.

Forum's observation

- 1) The licensee did not take any action for non-payments of the bills by the consumer till the connection was made PD (permanent disconnect).
- 2) The licensee did not take any initiative to solve the consumer's grievance.
- 3) From the study of the records it is observed that the consumer received a bill dated 16/10/2003 for consumer no. 021510369707 for an amount of Rs. 96000/- out of which 91,911.59 is bill adjustment as per shown in

the bill also it is clearly that the consumer had no arrears for his regular bill of consumer No. 021510369707 which is indicated by the credit amount of Rs. 1879.44.

- 4) From the reply given by the licensee it is very clear that the aforesaid arrears are due to the transfer of arrears of consumer nos, 021510369715 and 021510369723.
- 5) Out of three connection in the same address 1) The consumer No. 021510369723 was PD since October 1997 and 2) consumer no. 021510369715 was PD since October 2000, the pending arrears of the above to PD connection were transferred in to consumer no. 021510369707. The transfer of the arrears was done on 16/10/2003 after a gap of (6) and (3) years.
- 6) From the study of CPL history sheet and statement submitted by the licensee it is seen that the consumer against the arrears of Rs. 99890 of connection No, 021510369707/2 has paid the last payment of Rs. 5000/- on date 30/01/2005, so outstanding against the arrears this connection is found Rs.94890/- as on dated 30/01/2005.
- 7) After carefully studying the entire development of the episode and there after summarizing it, the forum has unanimously reach to a final conclusion to pass the following order for taking further action in the matter.

O-R-D-E-R

1. The licensee cannot charge the arrear after a laps of more than 2 years Electricity Act 2003, clause No. 56(2) which is as follows.
Section 56 (2) of Electricity Act 2003, read as under disconnection of supply in default of payment.
“Notwithstanding anything contain in any other Law for the time being in force, no sum due from any consumer, under the section shall be recoverable after the period of two years from the ate when such sum become first due unless such sum has been shown continuously as recoverable as arrears of charges for Electricity supplied and the licensee shall not cut of the supply of the electricity.”

Therefore the transfer of arrears for consumer No 021510369715 and 021510369723 to consumer no. 021510369707 on 16/10/2003 is set aside.

2. The licensee should levy the fix charges to the consumer for the period 15/10/2001 to 16/09/2003.
3. During this period the consumer whichever amount has paid to the licensee. The licensee should refund this amount (Being at present he is not a consumer of licensee).
4. The licensee should reconnect the power supply to the consumer's premises after the completion of the formalities by the consumer as per the procedure laid down by the licensee.
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 51

Appeal can be filed within 60 days from the date of this order.

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: - 30/05/2006 consumer

(V.V.Kelkar)
Member
CGRF Kalyan

(R.G.Maheshwari)
Member Secretary
CGRF Kalyan