

Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

---

Date of Grievance : 19/07/2013  
Date of Order : 05/08/2013  
Period Taken : 17 days

**IN THE MATTER OF GRIEVANCE NO.K/DOS/013/856 OF 2013-14 OF SHRI SONU RAGHO SONAWANE OF VILLAGE ASNOLI, TAL-SHAHAPUR, DIST-THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY**

Shri Sonu Ragho Sonawane,  
H. No.406, Kumbharwada, Village-Asnoli,  
Taluka Shahapur, Dist-Thane  
Consumer No. 110030356349

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Assitt. Engineer, O&M Sub Division, Shahapur

(Here-in-after  
referred  
as Licensee)

Appearance : - C.R. – In person  
For Licensee - Shri Giradkar, Nodal Officer  
Asst. Engineer, Shri Kale

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This 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. The regulation has been made by the Maharashtra Electricity

Grievance No. K/DOS/013/856 of 2013-14

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 having Residential supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered grievance with Forum on 19/7/2013 for illegal charging & disconnection.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0362 dated 22/7/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 5/8/2013, however parawise reply is not given.
4. We heard Consumer in person, Shri Giradkar-Nodal Officer, Shri Kale-Asst. Engineer and Mr. Raut-Asst. Accountant for Licensee. We have gone through the reply filed by Licensee dated 5/8/2013.
5. On hearing both sides following factual aspects are disclosed:-
  - a) The present Consumer is having a supply from Licensee bearing Consumer No.110030356349. It is a residential connection LT-1 and Consumer is charged as per the said tariff rate till Aug.'12.
  - b) It is contention of Consumer that on 8/9/2012 Jr. Engineer of Licensee conducted inspection and noted that though supply is for residential purpose it is being also used for commercial purpose. On that count action u/s 126 of Electricity Act was resorted to by issuing bill dated 17/10/2012 for Rs.18,331.00 ps. to be paid on or before 31/10/2012. Even in the next month those arrears are carried on in the bill dated 20/11/2012 for Rs.19,950/- to be paid on or before 4/12/2012. It is contended that THEREAFTER an inspection is carried out and Inspection report dated 27/11/2012 is placed on record which speaks that meter is in working condition, however in the subject column it reads "Inspection report 126 case". Thereafter Consumer addressed letter to the Asst. Engineer,

Grievance No. K/DOS/013/856 of 2013-14

Executive Engineer, Superintending Engineer, etc. dated 27/12/2012 making grievance about charging him as per the commercial rate. Further Consumer approached IGRC on 7/3/2013.

- c) As there was no response from IGRC, Consumer approached this Forum on 19/7/2013.
6. As per the aforesaid chronology, Consumer now contends that in fact he is having residential connection, his consumption is less than 300 units per month and he is running a small grocery shop and hence treating his supply as commercial and taking action u/s 126 of Electricity Act is not legal. It is contended that ultimately, his connection is disconnected in Dec.'12 itself and he had intimated on 27/12/2012 about starting supply which is not done.
7. In this regard the Officers of Licensee are present and it is made clear, when we tried to have information about the action u/s 126 that there is no any order as such passed about provisional assessment; there is no any notice issued about decision taken to apply section 126; no any opportunity is given to the Consumer to explain his stand and even there is no any final assessment order which would have been helpful for the Consumer to approach the Appellate Authority u/s 127 of Electricity Act. Accordingly there is no provisional order, there is no final order as required u/s 126, but as noted above in the chronology, directly bills are issued treating it as an action u/s 126 and it is followed by disconnection of supply.
8. We find that Section 126 of the Electricity Act is wrongly applied. Even the action taken, assuming Section 126 was not as per the provision. Hence it leads to the conclusion that there is no order u/s 126 of Electricity Act. This is the first flaw. Secondly as contended by the Consumer, his supply per month even on previous occasions has not exceeded 150 units and totally for a year it is not

more than 3,600 units hence in the light of Order of MERC No.19 of 2012 passed w.e.f. 1/8/2012, while fixing tariff for the year 2012 & 2013. now limit is fixed to 300 units of consumption in residential premises and if there is any such small grocery shop, etc., it will not attract any commercial rate. Even on this count we find an action of Licensee is not at all legal and proper.

9. In this matter Consumer has sought reliefs setting aside the illegal bills, providing re-connection which are dealt above and in addition sought compensation for the loss sustained towards harassment, etc.
10. The aforesaid discussion clearly demonstrates how the Consumer is to made to run from pillar to post. Though there is an inspection conducted by Jr. Engineer, and action is taken u/s 126 of Electricity Act, but so called action found not in consonance with section 126 of Electricity Act. At the cost of repetition it is to be said that there is no provisional order, no Show Cause Notice was issued to the Consumer, no final order, precisely it passed unwritten order directly concluding the dues worked out u/s 126 in Electricity Act and demanded in bill dated 17/10/2012. It is a fact that Consumer faced disconnection in Dec.'12 and again he had approached the Officers of Licensee by writing letter on 27/12/2012 which are not dealt in required spirit. Those letters are addressed to the Asst. Engineer, Exe. Engineer, Superintending Engineer. As none responded, even he approached IGRC on 7/3/2013, however there was no any development therein for 60 days and hence he came to this Forum. These aspects demonstrate how action is taken in breach of legal provisions. Secondly sensitivity is not shown even though Consumer approached by writing letter on 27/12/2012 quoting order of MERC in the Case No. 19 of 2012 decided and made applicable from 1/8/2012. Not only that, even he could not get any relief with the authorities of Licensee and ultimately he approached this Forum. On behalf of Licensee Nodal Officer vehemently contended that the act of Officer

resorting to Section 126 of Electricity Act is bonafide one, hence there is no question of any harassment or any inconvenience caused to the Consumer. We find this contention is without any force as factual aspects are clear. Aforesaid factual aspects clearly demonstrate that from Dec.'12 he is denied electricity supply that too by following improper and illegal action. Accordingly though he pointed out the flaw and sought rectification, it is not taken care of. He remained without electricity supply which nowadays is essential and denial of such essential supply making him to run from pillar to post is an aspect which needs to be dealt by providing him appropriate relief and as per clause no.8 of MERC Regulations, 2006, there are different aspects to be considered. We find clause no.8.2(e) relevant for this matter which reads as under:-

“any other order, deemed appropriate in the facts and circumstances of the case.”

No doubt this matter is not included in the SOP. We find as per this clause considering the Consumer was paying an average monthly electricity bill of Rs.500/-, he is to be provided a sum of Rs.1,500/- by the Licensee towards the aforesaid act which caused the Consumer the harassment and denial of essential supply, that too, without any fault on his side. This amount is to be paid by the Licensee who may recover it from concerned responsible staff.

11. In result we find that action taken by Licensee charging the Consumer as per the commercial rate and issuing bills on 17/10/2012 and further issuing a bill adding on arrears on 20/11/2012 to the extent of Rs.18,332.90 and Rs.19,950/- respectively are not correct. Licensee is required to re-calculate and issue a fresh bill without charging DPC and interest and applying Residential tariff. Action taken towards the disconnection of supply is not legal and proper and hence Licensee is to restore the supply forthwith.

12. In result this grievance is to be allowed.

**I agree**

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

**(Sadashiv S. Deshmukh)**  
**Chairperson, CGRF Kalyan**

**Member Secretary (Chandrashekhar U. Patil) :**

I have gone through the above reasoning. I respectfully disagree with it for the contents in para No.10 for the reason that :

- a) The assessment is already being given as refund to the Consumer vide this Order.

Hence the Consumer is not entitled for any other additional compensation.

**(Chandrashekhar U. Patil)**  
**Member Secretary**  
**CGRF Kalyan**

Hence the order by majority

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

- i. The grievance of Consumer is hereby allowed.
- ii. The supply of Consumer now be reconnected forthwith within 48 hours by the Licensee. This order is declared in presence of both sides. Its compliance be reported within a week of re-connection.
- iii. Licensee directed to correct the bills issued on 17/10/2012 and 20/11/2012 applying the residential tariff and deleting commercial rate applied. Licensee to issue bills as directed now within 15 days and Consumer to pay it within a month on receiving the bills. Thereafter, Licensee to submit Compliance report within further 15 days.

- iv. Licensee to pay a sum of Rs.1,500/- to the Consumer towards the aforesaid aspects as discussed above within 45 days of receipt of this order as per clause 8.2(e) of the MERC Regulations. If found fit, Licensee to recover the same from the concerned.

Date : 05/08/2013

**I Agree**

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

**(Sadashiv S. Deshmukh)**  
**Chairperson**  
**CGRF Kalyan**

**(S**

( This Order is dictated in presence of both sides on 5/8/2013 and signed today after its transcription )

**Note:-**

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”*

- b) 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”*