



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

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Date of Grievance : 04/10/2012  
Date of Order : 02/11/2012  
Period Taken : 29 days

**IN THE MATTER OF GRIEVANCE NO. K/E/642/760 OF 2012-2013 OF**  
**SHRI EKNATH KAMALU POGERE, AT – BARADPADA, MURBAD**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.**

Shri Eknath Kamalu Pogere,  
At : Baradpada,  
Post : Kishor, Tal : Murbad  
Dist : Thane – 421 401

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Assistant Engineer,  
Murbad Sub-Division

(Here-in-after  
referred  
as licensee)

(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 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 04/10/2012, for excessive energy bill.

The details are as follows :

Name of the consumer :- Shri Eknath Kamalu Pogere

Address: - As given in the title

Consumer No : - 018062015701

Reason of dispute : Excessive Energy Bill.

3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0697 dated 04/10/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. AE/MSEDCL/MBD/1192, dated 11/10/12 and 1251, dated 25/10/2012 through their Assistant Engineer, Murbad Sub-Division.

4) We heard both the sides on 30/10/12. Consumer Shri Pogere in person and on behalf of licensee Nodal Officer, Mr. Giradkar, Assistant Engineer, Mr. Suradkar, and Dy. Executive Engineer Flying Squad Mr. Holemukhe attended and made submissions.

- 5) This grievance pertains to Consumer No. 018062015701 which is residential connection and it is contended that from the said connection utilization is done for Grocery Store and Beer Shop. In this regard under Section 126 of Electricity Act 2003 amount is claimed to the tune of Rs. 49,930/- based on the report of Flying Squad dt. 17/01/2012. In this regard consumer stated that as he secured different place for his residence, he has shifted there and has continued the business of Grocery Store and Beer Shop in the premises wherein residential meter is there.

Accordingly the dues worked out for one year under Section 126 of Electricity Act 2003 found to be correct and consumer is not denying that liability but sought concession to pay the amount. He clarified that all running bills are being paid by him regularly but arrears are heavy hence installments be provided. On the other hand on behalf of Licensee it is submitted that arrears are required to be paid and already notice of disconnection is given. However, said aspect of granting installments left to the jurisdiction of this Forum.

We find though Section 126 of Electricity Act 2003 is said to be invoked but it is not supported with any order of provisional assessment or final assessment. Even there is no any aspect of conveying to the consumer that he is having any opportunity of hearing. This is the main prima facie merit about the applicability of Section 126 of Electricity Act 2003 but we refrain from making further comments as consumer is not disputing the liability.

Considering prima facie merit the fair approach of consumer and that he is paying regular bills and is ready to pay the arrears, concession is to be given by way of installments. He is to pay first installment of half of the dues i.e. Rs. 24,965/- on or before 05/11/2012 and remaining half of the amount i.e. Rs. 24,965/- is to be paid on or before 05/12/2012. He is required to pay, in addition current bills regularly. As consumer is given concession to pay by installments, Licensee is to keep the action of threaten disconnection in abeyance and if amount deposited as directed on the due dates of installments, said action is not required but if there is no payment on due dates, Licensee is at liberty to recover the total due amount and action of disconnection is found fit.

I agree

(Sadashiv S. Deshmukh)  
Chairperson, CGRF Kalyan

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

**View of Member Secretary (Shri R. V. Shivdas) :**

I have gone through the above reasoning. I am not agreeing to it. The action of Licensee for charging commercial tariff instead of residential tariff is correct. The connection was given for residential use but as per

inspection report commercial use found in the premises as Grocery Store and Beer Shop. This matter involves under Section 126 of Electricity Act 2003. As per Clause No. 6.8 (a) of MERC Regulation (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 this Forum has no jurisdiction to entertain the matter. Grievance application of consumer to that extent is to be dismissed.

( R. V. Shivdas )  
Member Secretary  
CGRF Kalyan

Hence the order by majority :

**ORDER**

- 1) As the consumer has admitted the liability to pay the disputed amount without expressing anything on merit we prima facie concluded that there is a merit, consumer is allowed to pay the due amount by installments. Consumer to pay first installment to the extent of the half of the due amount i.e. Rs. 24,965/- on or before 05/11/2012 and remaining half of the amount i.e. Rs. 24,965/- on or before 05/12/2012. This payment is condition precedent for keeping in abeyance the action of disconnection. Consumer is even required to pay the regular current bills in time. If amount is not paid as directed in time, Licensee is at

liberty to recover the due amount as per rules. However, during the aforesaid time permitted to the consumer action of disconnection be kept in abeyance.

- 2) Compliance be submitted by Licensee before 31/12/2012.
- 3) The Consumer if not satisfied 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”.*

- 4) 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 : 02/11/2012

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

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan