



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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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/643/761 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 : - 018062015612
Reason of dispute : Excessive Energy Bill.
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0700 dated 04/10/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. AE/MSEDCL/MBD/1191, dated 11/10/12 and 1250, 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. 018062015612. Connection was provided for Poultry business but there is a allegation as per the report of Flying Squad dt. 09/01/2012 that consumer is running Nursery and Chinese Hotel therein, accordingly bill is issued seeking recovery for two years. However, it is contended that it is a plain recovery. Section is not clearly mentioned under which it comes but it is contended it is not used for Ag. Purpose but for commercial purpose such as Nursery and Chinese Hotel business.

On the point of use of Nursery as agriculture consumer relied on the letter to the Chief Secretary Govt. of Maharashtra by Secretary Govt. of India Ag. Department whereas Licensee relied on the circular of their office wherein Nursery business if carried on, it will be a commercial activity. In addition it is submitted that herein hotel is also run.

We find no doubt, consumer is disputing that aspect but inspection report is clear. Accordingly the spirit as seen seems to be the recovery of amount towards change of tariff i.e. change of user and thought not invoked Section 126 at the most under Section 126 of Electricity Act 2003 recovery can be only for one year and hence the recovery now sought for two years found without any foundation.

Accordingly the dues which are sought from the consumer to the tune of Rs. 22,930/- for 24 months but as noted above it is to be limited for one year and it comes to Rs. 11,465/-

In this regard consumer prayed that this is a heavy amount not able to pay at a time and hence concession be given to pay it by instalments.

However, on behalf of Licensee aspect is left to orders of this Forum. We find considering the fair submissions of consumer, this amount be allowed to be paid in three instalments. First instalment of Rs. 5000/- be paid on or before 05/11/2012, second instalment of Rs. 3,000/- be paid on or before 05/12/2012 and last third instalment of Rs. 3,465/- be paid on or before 05/01/2013.

The consumer is required to go on paying his regular current bills. On this count the action of Licensee towards threaten to disconnection is to be postponed and it is to be kept in abeyance during the period of installments. If instalments are not paid on due dates, they are at liberty to go for their action and recovery of total amount of Rs. 11,465/-.

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 as per Flying Squad report dated 09/01/2012 and assessment proposed vide Letter No. DYEE/FS/Kalyan-2/24, dated

24/01/2012 further Letter No. AE/MSEDCL/Murbad/1250, dated 25/10/2012 is correct. 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) Grievance application of consumer is hereby partly allowed. As the consumer has admitted the claim liability of consumer is now made limited to Rs. 11,465/- instead of Rs. 22,930/- which quantum Licensee is to correct it in the bill issued and he is directed to pay the due amount by instalments. First instalment of Rs. 5,000/- be paid on or before 05/11/2012, second instalment of Rs. 3,000/- be paid on or before 05/12/2012 and third instalment of Rs. 3,465/- be paid on or before 05/01/2013. This payment of instalments of dues is condition precedent for keeping in abeyance the action of Licensee towards disconnection. Consumer in addition to deposit regularly the current bills. In case consumer is not paying the due amount, Licensee is at liberty to recover the amount of Rs. 11,465/-.

- 2) Compliance be submitted by Licensee before 31/01/2013.
- 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