



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

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**IN THE MATTER OF GRIEVANCE NO. K/E/0158/0180 OF 08-09 OF SMT. JEEVANKALA H. PARDESHI, KALYAN REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

Smt. Jeevankala H. Pardeshi  
House No. 525/1, Near Kot Niwas,  
Shahadgaon Dhakte,  
Tal : Kalyan, Dist : Thane

} (Here in after referred to as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Executive  
Engineer, Sub/Dn. I, Kalyan (West)

} (Here in after referred to as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "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 conformed 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 connected to their 415-volt network. The Consumer is billed as per Residential Tariff. Consumer registered grievance with the Forum on dated 16/01/2009.

The details are as follows: -

Name of the consumer :- Smt. Jeevankala H. Pardeshi

Address: - As above.

Consumer No : - 020100231035

Reason of dispute: Disconnection of Supply without notice.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/033 dated 16/01/2009 to Nodal Officer of licensee. They replied vide letter dated DYEE/Sub.Dn-I/Billing/117 dated 22/01/2009.
- 4) The Member Secretary & Member of the Forum heard both the parties on 22/01/2009 @ 16 Hrs. in the meeting hall of the Forum's office. Shri H. K. Pardeshi, Shri V.H. Pardeshi & Shri J. A. Pardeshi, Consumer's Representatives & Shri Davis, Jr. Engr., Shri S. P.Kalamkar, Jr. Engineer, Shri S. N. Deshmukh, Asstt. Acctt., Shri C. S. Sakpal, LDC., representatives of the licensee attended hearing.

- 5). An emergency hearing was called in the forum on 22.01.09 in respect of Mrs. Jeevankala H. Paradeshi, regarding disconnection.
- 6). Consumer represented that she had taken an electric connection through meter No.9011436972, having consumer No.020100231035 at House No.525/1, Near Kot Niwas, Shahadgaon Dhakte, Tal. Kalyan. She said she paying electricity bills regularly. But she got last bill for Rs.15,140/- with time period from 28.11.08 to 20.12.08. She could not pay this amount in time. Therefore, their electric supply has been disconnected and taken away the electric meter. Due to not taking meter reading every month, and charging for 19 months reading at a time, this huge amount has come. This is entirely the mistake of the MSEDCL staff who are negligent and irresponsible in their duty and unnecessarily put poor consumer like me into trouble. The electricity is coming under very essential service; therefore the same can not be disconnected, for no fault on part of the consumer. This problem is created due to inefficiency of the MSEDCL personals. First bill of arrears issued on 11.11.08. She said she has not paid 30 units average bill in Sept.08 and Aug. 08 because the current bill also added in that and threatened about disconnection. The consumer said they were paying the electricity bills regularly whatever bills issued by the MSEDCL. Due to illegal disconnection of supply they are under black out for the last 14 days. The study of the school

going children are affected. Our day to day life is scattered. How these huge amount has come as arrears all of a sudden? Not taken meter reading or updation not done etc. are MSEDCL problem. Why consumer should suffer for this? Punish the MSEDCL personals who are responsible for this and reconnect our supply immediately. She can not pay such a huge amount at a time and wants installments of Rs.2000/- per month to pay these arrears and will pay alongwith current bills. The person who signed the disconnection notice with malafied intention should be brought in front of forum. She written letter to licensee on 12.01.09 to solve her grievance.

- 7). On the queries licensee stated that the consumer Mrs.Jeevankala H.Paradeshi, consumer No.020100231035 (meter No.9011436972) was issued a bill of **Rs.13750/-** for 4144 units for 19 months for the period from April 07 to Sept.08. From the date of replacement of meter i.e. from April 2007, 19 months bills were issued on average basis, for want of updation of billing record. Consumer did not pay the current bills for the month of Oct.08 and Nov.08. The arrears as on 01.12.08 including arrears and current bills were Rs.14050/-. Therefore as per I.E.Act 2003, Section 56(1) she has been served a 15 days notice on 15.12.08. She did not pay these arrears; hence the power supply has been disconnected on 10.01.09.
- 8). The licensee further stated that average billing was done for 19 months from April 07 to Sept.08 @ 39 units per month.

Actually this would have been 184 units per month. Average billing is done depend upon six months back reading. The licensee said we agree that we have issued average bill for 19 months due to some internal problem. But the consumer is also equally responsible to intimate the licensee when any abnormality is observed in the billing. Generally as far as less billing, they are happy and do not make any complaints. When arrears of unbilled period go to them, they complaints like anything. They don't think that they will have to pay one day the difference of less billing, whether it is due to their mistake or by licensee's mistake. So they should have intimated such instances to the licensee to avoid payment of such large amount at a time, instead of stopping the payment of even energy bills and dispute the same.

- 9). Forum asked the licensee when meter was tested and found faulty, why the meter was changed.? On this query, the licensee said, on DTC loss - when particular DTC is tested and found line loss, the meters of less billed consumers under this DTC are generally replaced without testing. The same loss will be proportionately charged to the consumer connected to that DTC whose meters found to be slow. In case of meter rusted, such meters are also replaced without testing the meter.
- 10). Forum observations:
  - a). Forum observed that there is no arrears. Whatever arrears are accumulated for 19 months is due to not upto

dating the accounts by the licensee. The consumer is not in fault at any cost. Therefore, consumer disputed the bill. The licensee should have issued current bills separately in time, keeping aside the disputed amount, till the dispute is redressed. The consumer requested to issue current bills subject to finalization of the dispute. The licensee has not also considered her request.

- b). It is the responsibility of the licensee to make arrange to take meter reading every month and issue bills regularly to the consumer. But they did not take Meter reading and issued average bills for 19 months continuously. The licensee thus violated the Maharashtra Electricity Regulatory Commission (standards of performance of Distribution Licensees, period for giving supply and Determination of Compensation) Regulations 2005, Section 9.1 which is read as ***“Reading of consumer’s meter shall be undertaken by the Authorised Representative at least once in every three months for agricultural consumers and at least once in every two months for all other consumers”***.
- c). The licensee not only taken the meter reading and billed on average basis for 19 months, but also disconnected the supply without notice.
- d). On the disconnection notice issued by licensee on 15.12.08, there is no outward No. of the office. Also the signature is not that of the consumer or her

representative. Therefore, the authenticity of the disconnection notice is doubtful.

- e). Forum asked the licensee to confirm the manner by which the notice is served to this consumer and signature obtained. The disconnection notice submitted to forum has no outward No. of the office. The signature is also not that of the consumer or representative. On this, the licensee submitted a Office Note dated 27.1.09 which is as follows

“ima pl.Aar. baaoTo kinaYz tMHa& AapNaasa saaMgaU [icCtao kl Ealmatl jalvanaklaa eca prdoSal yaaMnaa id. 15.12.08 raojal naaoiTsa doNyaasa gaolao Asata toqao darlaa kaoNal navhto toqaoca Asalaolyaa eka maaNasaanao malaa kSaasaazi Aalao mhNaUna ivacaarlao Asata ima %yaasa naaoTIsal ba\_la saaMigatlao naMtr %yaanao naaoiTsa maaJyaa javaL Va ima dotao Asao saaMigatlao. naaoiTsa idlal sahl Gaotlal. sahl Eal p`kaSa rMganaaqa baaoTo kinaYz tMHa&”

- f). As per I.E.Act 2003, Section 171(2)as follows: “Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises (naming the premises), and may be served by delivering it or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable

diligence be delivered, by affixing it on some conspicuous part of the premises”. This procedure is not followed by the licensee. On the contrary the licensee personally handed over the notice to some other person who has no any connection with this consumer. Therefore the way by which the notice is served, proved to be invalid.

- g). The arrears are accumulated for 19 months is due to not updating the accounts by the licensee. Therefore, consumer disputed the bill. The licensee would have issued current bills separately in time, keeping aside the disputed amount, till the dispute is redressed. The consumer requested to issue current bills subject to finalization of the dispute. The licensee has not considered this request also.
- h). In this case, National Consumer Dispute Redressal Commission New Delhi in Revision Petition No 604 of



2003 dated 29/09/03 in a petition of Chandrakant Mahadeo Kadam against Assistant Engineer MSEB Atpadi & others has held that compensation need to be given to consumer for disconnecting electric supply for no reason. In the present case of Smt.Jeevankala H.Paradeshi, was paying bills regularly. The consumer approached the licensee regarding illegal disconnection and issue of current bill separately but there was no response from licensee. The consumer informed that the

supply to her residence is disconnected in 10.01.09 without serving notice of disconnection. The consumer argued that she has not received disconnection notice. It is needless to say that there was gross deficiency in service & the negligent staff is accountable for the harassment done by disconnecting supply. We take serious view of the default committed by the officers of licensee. It is certainly not a good situation. We can put ourselves in the position of the consumer & realise as to how they might have suffered. In our view there is clear mis-carriage of justice and we would grant the compensation of Rs.3500/- to the consumer.

- 11). The consumer is not able to pay the huge amount of Rs.13,750/- at a time, so the licensee should grant **five** equal installments to the consumer. In the said installments no DPC or interest be added. If the arrears of current bills are included in this assessment bill, then

DPC/ interest of current bill can be levied by licensee. If the consumer failed to pay any installment so fixed, then the licensee may charge interest & DPC. Alongwith above installments of arrears, the consumer should pay current bill also.

- 12). The consumer had not paid the current bill of three months i. e. October, November & December 2008. After giving directions by the forum in the hearing, the consumer paid above three months bill amount of

Rs. 1264/- and after that his power supply was reconnected. It is confirmed by the consumer that her power supply is reconnected on dated 22/01/2009 at 19.20 hrs.

- 13). The forum asked some documents such as CPL, the reason for changing the particular meter, and the method by which the disconnection notice issued to the consumer, on or before 27/01/09 but they have only submitted meter replacement report, Office note regarding issue of disconnection notice dt. 27.1.09 received in the forum on 28.01.09.

- 14). After hearing & studying all available documents submitted by both the parties, forum come to the conclusion unanimously and pass the following order :

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

- 1). The licensee should grant 5 equal instalments against arrears of Rs.13,750/- from the date of decision
- 2). The consumer should pay the amount of instalment alongwith current bill. (as per para 8 above)
- 3). The licensee should pay a compensation of Rs.3500/- (Rupees Three thousand five hundred only) to the consumer against illegal disconnection, within 90 days from the date of decision. ( as per para 7(i) above)

- 4). Compliance report should be submitted to the forum  
Within 90 days.
- 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.

- 6) 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

Grievance No.K/E/158/0180 of 08-09  
Electricity Regulatory Commission (Consumer Grievance  
Redressal Forum & Ombudsman) Regulation 2003”.

**Date :- 10/02/2009**

**(Sau V. V. Kelkar)**  
Member  
CGRF Kalyan

**(R.V.Shivdas)**  
Member Secretary  
CGRF Kalyan