



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 : 08/11/2012
Date of Order : 20/12/2012
Period Taken : 43 days

IN THE MATTER OF GRIEVANCE NO. K/E/654/773 OF 2012-2013 OF
SHRI ALOK TRIPATHI, KALYAN (WEST) REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE ENERGY BILL

Shri Alok Tripathi
2 / 403, Royal Residency
Adharwadi Chowk,
Kalyan (West) : 421 301

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer,
Kalyan West Sub-Division No. II

(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 08/11/2012 for Excessive Energy Bill.
The details are as follows :
Name of the consumer :- Shri Alok Tripathi
Address: - As given in the title
Consumer No : - 020024226361
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0769 dated 08/11/2012 to Nodal Officer of licensee. Licensee filed reply on 03/12/2012 through Dy. Executive Engineer, Kalyan West Sub-Division No. II.
- 4) This matter is taken up. On behalf of Licensee Nodal Officer Shri Patil, Assistant Engineer Shri Bharambe, Dy. Ex. Eng. Shri Bakshi are present and consumer Shri Alok Tripathi in person is present. They are heard. On behalf of Licensee reply is filed on 03/1/2/2012, consumer has gone through the said reply, copy of it is made available to him. Both sides made their submissions. On the basis of submissions made following factual aspects are disclosed :

- (a) Consumer has purchased a flat on 16h March 2012 wherein electric meter is in the name of previous owner Shri Satish Lande.
- (b) Consumer applied for change in the name towards the said electric meter on 25/04/2012.
- (c) Bill for June 2012 issued by the Licensee wherein change in name was effected and accordingly consumer has received that bill.
- (d) On 31/07/2012 Officers of Licensee inspected the premises and noted that meter was slow by 75%. There after meter was tested on 01/08/2012 in presence of consumer & during that testing it was noted that meter is tampered.
- (e) There after on 02/08/2012 considering the aspect of tampering the meter, bill is issued for Rs. 29,120/- and consumer paid it on 04/08/2012 addressing one more letter and clarified payment is done under protest.
- (f) Further on 04/08/2012 itself on behalf of License amount is sought towards compounding charges of Rs. 12,000/- which is paid by consumer on the same day.

It is seen that on this count consumer raised dispute and has approached IGRC on 04/08/2012 seeking various reliefs. Consumer has approached this Forum on 08/11/2012 after sixty days of dispute with IGRC as there was no any progress from the Licensee's side or from IGRC.

In this matter Licensee produced CPL and reply on 03/12/2012. It is the contention of Licensee that consumer has purchased a flat, he applied for change in name, change in name was effected, there after meter was checked and during inspection it was found slow by 75%, then it is tested in the Lab. in presence of consumer and it was noticed that there is a tampering. Accordingly officers of Licensee resorted to an action under

Section 135 of Electricity Act 2003, issued him bill for Rs. 29,120/- which he had paid and even the compounding amount of Rs. 12,000/- was demanded, it is also paid. Accordingly it is contended that this is a case under Section 135 of Electricity Act 2003, hence this Forum has no jurisdiction to entertain it. It is contended the amount was demanded as calculated under Section 135 of Electricity Act 2003 which is paid, even compounding charges are also paid, hence under Section 135, Section 152 of Electricity Act 2003 things are totally clear and this being an aspect of theft, as compounding amount is paid, Licensee cannot go for any further action of lodging the prosecution. It is clarified on behalf of Licensee that no doubt bill was issued for Rs. 29,120/- and Rs. 12,000/- in the name of present consumer, he has paid the amount but actually receipts are issued in the name of previous owner Shri Satish Lande. Officers of Licensee explained that in the system things were not updated by entering the name of present consumer and hence receipt cannot be issued in the name of present consumer Shri Alok Tripathi but it is issued in the name of Shri Satish Lande the previous owner, hence it be read as payment done by consumer himself. Accordingly it is submitted that it being the case under Section 135 of Electricity Act 2003, this Forum has no jurisdiction.

As against it Learned consumer made submissions that things ought to have been made clear to him before his name was changed, he ought to have been made clear about the status of meter, these things are not done and he is taken abruptly. For all these things he is not required to pay any amount and it is the responsibility of Licensee.

We tried to find out from SOP towards change in name whether meter is to checked before effecting change. However, we are not able to

have any such specific provision and more particularly Clause 10 of Hon. MERC (Electricity Supply Code & Conditions of Supply) Regulation 2005. Accordingly we find there is no any clear cut mandate of any such inspection to be done before change in name. Secondly in respect of the dues if any dues arising out of said connection pertaining to the previous owner, those are required to be paid and in the format prescribed for change in name all these things are included and undertaking is also obtained from the consumer. In this regard consumer submitted obtaining such undertaking in no way bind him.

In the light of above, it is clearly seen that under Section 135 of Electricity Act 2003 officers of Licensee acted, after inspection of the meter in the lab. in presence of consumer. It is followed by act of issuing bill and even seeking payment of compounding charges when bill was paid. Compounding charges are also paid. No doubt consumer has made it clear while paying the bill that it is paid under protest, however, it is seen that though at that stage payment was done under protest, subsequent payment of compounding charges makes the position more clear and if once compounding amount is paid unconditionally, then read with Section 152 of Electricity Act 2003, there is no any right available to the Licensee to approach the Police Station by filing FIR. Accordingly matter is dealt under Section 135 of Electricity Act 2003 and we find that as Section 135 of Electricity Act 2003 is invoked towards it, compounding amount is also paid and hence we have no jurisdiction to express any view on this point. Accordingly this grievance cannot be entertained and allowed.

During the pendency of this grievance consumer has pointed out some aspects on which officer of Licensee too has given a signal to deal it

appropriately and that aspect is being dealt towards which we are not to express any opinion as it being independent one.

Hence we pass the following order :

ORDER

- 1) Grievance application No. K/E/654/773 of consumer is hereby not allowed, it is rejected.
- 2) 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”.

- 3) Consumer, as per section 142 of the Electricity Act, 003, 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 : 20/12/2012

I Agree

I Agree

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan