



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 : 28/08/2012
Date of Order : 03/01/2013
Period Taken : 125 days

IN THE MATTER OF GRIEVANCE NO. K/E/637/755 OF 2012-2013 OF
SHRI LAXMAN M. BOROLE, KALYAN (WEST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE ENERGY BILL

Shri Laxman M. Borole
C/o. Shri Ravindra Laxman Borole,
Borole Estate, Ramnagar
Dr. Rajendra Prasad Road
Dombivali (East) : 421 201

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer,
Dombivali East Sub-Division No. I

(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 (applicant) is a Residential consumer of the licensee. The Consumer (applicant) is billed as per Residential tariff. The Consumer (applicant) registered grievance with the Forum on 28/08/2012 for Excessive Energy Bill. The details are as follows :
Name of the Consumer :- Shri Laxman M. Borole
Address: - As given in the title
Consumer No : - 020010298688
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0639 dated 28/08/2012 to Nodal Officer of licensee. Licensee filed reply on 17/09/2012 through Dy. Executive Engineer, Dombivali East Sub-Division No. I.
- 4) This grievance is arising out of claim of amount Rs. 2,20,452/- said demand is raised by the Licensee in the light of inspection carried out on 28/07/2009. During inspection officers of Licensee noticed that said meter was unbilled hence bill is issued on 30/07/2009 for two years for the aforesaid amount. However, it is seen towards recovery of that amount Jr. Law Officer of Licensee issued notice to the consumer on 20/04/2011.

Raising dispute towards it consumer (applicant) approached IGRC on 04/05/2012. On hearing, IGRC rejected the application on 16/08/2012 and against it consumer (applicant) approached this Forum on 23/08/2012. On receiving notice Licensee filed reply on 17/09/2012.

This matter was finally heard on 18/12/2012 and on behalf of Licensee locus-standi of consumer (applicant) Mr. Ravindra Laxman Borole is raised. It is seen that Mr. Ravindra Laxman Borole has signed on the complaint / application on behalf of Mr. Laxman Borole. Towards it consumer (applicant) and his representative were directed to place on record the details of Mr. Laxman Borole on 24/12/2012. On 24/12/2012 nothing was placed on record by the consumer (applicant) or his representative and none attended on that date. However, representative of the consumer (applicant) on 29/12/2012 placed on record the written contentions and death certificate of Mr. Laxman Borole, said certificate shows Mr. Laxman Borole expired on 29/06/1981.

In the light of the above, now question comes up whether this complaint can be filed when Mr. Laxman Borole is dead. All the while Mr. Ravindra Laxman Borole claims that he has approached on behalf of Mr. Laxman Borole, prior to the objection taken by Licensee on 18/12/2012 about the locus-standi of consumer (applicant) Mr. Ravindra Laxman Borole that Mr. Laxman Borole is not alive. It is a fact at times during hearing representative of consumer (applicant) tried to question whether Mr. Laxman Borole is served with any notice etc. It is a fact now clear that Mr. Laxman Borole expired in 1981 and there is no any contention that his

Son Mr. Ravindra Laxman Borole even approached Licensee for entering his name as a heir. It is a fact that Mr. Ravindra Borole is not approaching as a heir of Mr. Laxman Borole.

As noted above facts are clear and matter proceeded on assumption that Mr. Laxman Borole is alive. We find when consumer himself is not alive, there is no question of approaching anybody else through him, it amounts to rather representing the deceased person without disclosing information that person is deceased. We find it being a complaint pertaining to the matter of deceased person which is not appropriately filed and represented. Under such circumstances without expressing any view or merit we find the grievance is not tenable. The complaint before IGRC was also not tenable. Hence this complaint is to be disposed of.

This matter was taken up for final hearing but at the time of hearing Licensee raised locus-standee of consumer (applicant) Mr. Ravindra Laxman Borole, hence it could not be decided in time.

Hence we pass the following order :

ORDER

- 1) Grievance application No. K/E/637/755 is hereby disposed of as the same pertains to deceased person and it is filed without making it clear that consumer Mr. Laxman Borole expired in the year 1981. Complaint before IGRC was also not tenable.

- 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, 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 : 03/01/2013

I Agree

I Agree

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan