



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**IN THE MATTER OF GRIEVANCE NO. K/E/361/409 OF 2010-2011 OF SHRI SUBHASH CHANDRAKANT MHATRE CHAIRMAN SARVODAYA PARK CHS LTD. DOMBIVALI (EAST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT CHANGE OF TARIFF.**

Shri Subhash Chandrakant Mhatre  
Chairman, Sarvodaya Park CHS. Ltd.  
Near Samarth Math, Nandivali  
Dombivali (East)

(Here in after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Executive  
Engineer, Dombivali (East) Sub/Dn No. II

(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 (MERC) 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 Three phase LT consumer of the Licensee and is billed as per residential tariff. The consumer registered grievance with the Forum on 07/08/2010 regarding the Change of Tariff. The details are as follows: -

Name of the consumer : Shri Subhash Chandrakant Mhatre

Address: - As above

Consumer No : 020012675365

Reason for Dispute : - Regarding Change of Tariff

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0374, dt. 07/08/2010 to the Nodal Officer of the Licensee.
- 4) The Members of the Forum heard both the parties at length on 30/08/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Subhash Mhatre Consumer, Shri Prakash Sardar Consumer Representative, Shri Nitnavare Nodal Officer, Shri S. R. More, Dy. Ex. Engr., Shri K. M. Jadhav Asstt. Engr. Shri N. T. Kale Dy. Ex. Engr. (Flying Squad), Shri D. M. Satpute, Jr. Engr. (Flying Squad) Representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded in detail, will be referred to avoid repetition.
- 5) Licensee had supplied electric connection to the meter No. 21210707 installed in M/s. Ekata Enterprises 3 HP Water Pump, F Wing, Sarvodaya

Park, Nandivali Road, Dombivali (East). According to complainant society, electricity from this meter was being used for swimming tank and filtration plant and that it was never used for commercial purpose. It is contended that electricity is being used for the purpose of swimming tank / residential use from June 2007 and inspite of this they received an energy bill dt. 01/08/2008 for the amount of Rs. 04,40,761/- from Dec. 03 to July 08 as per commercial tariff under Section 126 of the I.E. Act 2003. According to the Society bill raised and issued as above is contrary to the provisions under the Act and therefore it needs to be revised. By letter dt. 30/07/2008 society requested the Dy. Executive Engineer Dombivali East Sub-Division to revise the bill as per residential and swimming pool for the use of the members but not responded. They have further requested to get deposited half of the bill amount as they have to prefer appeal against the assessment of bill under Section 127 of the I.E. Act 2003. It is contended that the officials of the licensee without considering the purpose and the period of consumption of electricity raised bill for unreasonable amount therefore it be quashed and set aside. Since the officials of the licensee refused society approached the IGR Cell but in vain therefore lodged this grievance with prayer to direct the licensee to revise the bill as per the domestic tariff from the date of actual consumption from 2007 as per the certificate issued by the Grampanchayat Village : Nandivali.

- 6) Licensee opposed the contentions raised as above contending that the Flying Squad headed by Dy. Executive Engineer inspected the meter in question on 18/07/2008 and found electricity was used for commercial purpose (swimming pool – filtration plant) since the date of connection and that at the time of testing M.D. was recorded 6.6 KW and P.F. 0.74 i.e. excess connected load of

4.3 KW. Meter was then found working within permissible limits. Dy. Ex. Engr. prepared spot inspection report of consumer's electrical and metering installation and directed to prepare energy bill under Section 126 of I.E. Act 2003 from the date of connection. Based on this report Dy. Ex. Engr. raised bill under dispute and requested the consumer society to pay the same but since the entire bill amount was not deposited by the consumer society meter was permanently disconnected on 30/12/2008. It is contended by the licensee since the issue involved on unauthorized use of electricity and consequently assessment of the tariff to that effect attracting Section 126 of the I.E. Act 2003, this Forum has no jurisdiction to entertain and decide the instant grievance vide Clause 6.8 of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006".

7) On perusal the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a). Whether this Forum has jurisdiction to decide this grievance vide Clause 6.8 of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006" ?	NO
b). What Order ?	As per Order below

**Reasons**

- 8) According to the consumer society they were using the electricity for the domestic purpose / swimming tank and never used for commercial purpose as noted by the Flying Squad in their report dated 18/07/2008. Learned representative for the consumer society urged that raising bill under dispute as per commercial tariff is unreasonable and illegal and further urged that to assess the bill from the date of connection i.e. 2003 though the use commenced from 2007 onwards is absolutely against the provisions of Law and the rules and on this background bill raised needs to be revised. On the other hand, learned representative for the licensee at the threshold pointed out that consumer society since indulged in authorized use of electricity from domestic to commercial therefore bill under dispute is raised under Section 126 of I.E. Act 2003. In this context inviting our attention to Clause 6.8 of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006", learned representative for the licensee submitted that grievance since falls within the purview of Section 126 of I.E. Act, this Forum has no jurisdiction to entertain and decide the same. On perusal the records it is seen Flying Squad when inspected the meter in the premises of the society on 18/07/2008 it was found electricity was used for commercial purpose (swimming pool – filtration plant) since the date of connection and that at the time of testing M.D. was recorded 6.6 KW and P.F. 0.74 i.e. excess connected load of 4.3 KW. On the premise Dy. Executive Engineer vide report dt. 18/07/08 pointed out electricity was being used for commercial purpose though taken for domestic use thereby society indulged in unauthorized use of electricity and hence tariff was

assessed as commercial use attracting Section 126 of the I.E. Act 2003. On perusal the report dt. 18/07/08 and the correspondence made by Dy. Executive Engineer Dombivali East Sub-Division with the Dy. Ex. Engr. Flying Squad Kalyan we are prima facie of the view that the instant grievance is concerning to the unauthorized use of electricity squarely falls within the purview of Section 126 of I. E. Act 2003 excludes the jurisdiction of this Forum as per the provision in Regulation 2006 referred to supra. Since the Forum has no locus to entertain the grievance, question of giving direction to revise the bill and to reconnect the supply of consumer does not arise. Consequently the grievance will have to be disposed off for want of jurisdiction. Point is answered accordingly and hence the order :

**ORDER**

- 1) Grievance application is disposed off for want of jurisdiction.
- 2) The Consumer 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”.*

Date : 02/11/2010

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan