



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 : 08/05/2012
Date of Order : 18/06/2012
Period taken : 40 days

IN THE MATTER OF GRIEVANCE NO. K/E/595/704 OF 2012-2013 OF
MRS. RATNAPRABHA S. MORE, AT – WAVARALE, POST - KHALAPUR
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL .

Mrs. Ratnaprabha S. More
C/o. Shri Babe Dairy Products,
At - Wavarale, Post - Khalapur
Tal - Khalapur, Dist - Raigad

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Assistant Engineer
Khalapur Sub-Division

(Here-in-after
referred
as licensee)

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 having three separate connections. Consumer registered grievance with the Forum on 08/05/2012 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Mrs. Ratnaprabha S. More

Address: - As given in the title

Consumer No : - 1)030680317476 - Commercial

2)030680279361 – Residential

3)030680267410 - Agriculture

Reason of dispute : Excessive Energy Bill

3) The set of papers containing above grievance were sent by Forum vide letter No EE/CGRF/Kalyan/0304 dated 08/05/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. 1576, dated 24/05/2012 through Executive Engineer Panvel Rural Division.

4) Hearing was held on 04/06/2012 @ 14.30 hrs. We the Members of the Forum heard both the parties in the meeting hall of the Forum’s office. Shri S. K. More Consumer Representative & Shri P. D. Dahake, Dy. Ex. Engr.,

Shri A. G. Pingale, Asstt. Engr. 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.

- 5) This grievance is arising out of the act of Licensee where by complainant's two meters which were meant for agricultural connection and residential connection were found utilized for commercial purpose and it was disclosed during the visit of Flying Squad on 10/02/2011. In this regard it is seen that after receipt of Flying Squad inspection report, the matter was taken up by Assistant Engineer MSEDCL Khalapur Sub-Division. However, said Flying Squad again visited the said premises and noted the use of electricity from those two meters on 27/09/2011 and noted that the residential meter was used for residential purpose but agricultural meter was used for commercial purpose. It is also seen that concerned Assistant Engineer visited the said premises and inspected those meters respectively on 16/04/2011 and 28/11/2011 i.e. subsequently after the visit by Flying Squad and noticed that residential meter was used for residential purpose and agricultural meter was used for agricultural purpose. Accordingly these visits are done but in pursuance of the report of Flying Squad dt. 10/02/2011 and 27/09/2011 consumer was directed to make payment of the bill treating that those meters are utilized in breach of condition, for commercial purpose. Accordingly bill was issued to the tune of Rs. 03,53,060/-. The aforesaid meter for Agricultural is bearing No. 030680267410 LT-IV whereas residential meter is bearing No. 030680279361 LT-I residential. No doubt in addition to these two there is a

commercial meter bearing No. 030680317476. Commercial use from this commercial meter is for dairy business and shop where as agricultural meter is used for agricultural purpose wherein some plantations are there and residential meter is used for residence of consumer and labours working there. In other words all these three meters are in the said area wherein consumer is having a residence, having agricultural activities, having cattles i.e. cows and buffaloes even sale of milk from a dairy shop and accordingly for these three purposes three meters are taken.

- 6) On receiving the said bill for payment consumer approached I.G.R. Cell Pen and filed grievance on 25/11/2011. Said matter is decided by I.G.R.Cell on 15/03/2012 whereby the observation of Flying Squad maintained and arrears worked out are confirmed. As contended by the complainant the said order is received by the consumer on 20/03/2012 and there after grievance before this Forum is submitted on 07/05/2012 i.e. within the prescribed time.
- 7) On receiving the aforesaid grievance in this Forum notice was issued to both sides dt. 08/05/2012 and matter is taken up.
- 8) Actually this matter is heard on 04/06/2012 which is attended on behalf of consumer by the representative viz. Shri S. K. More and on behalf of Licensee by Dy. Executive Engineer Shri P. D. Dahake, and Jr. Engineer Shri A. G. Pingale. On the date of hearing representatives of Licensee were directed to place on record of this Forum the reports, observations, findings of Flying Squad and other details of action if at all taken out following any action under the relevant provision of Electricity Act.

However, such record is not placed before this Forum till this date. Accordingly now matter is to be decided on the material available considering the arguments of rival sides.

- 9) On behalf of consumer Shri S. K. More stated that consumer is maintaining cattles, i.e. cows, buffaloes, dairy aspect is there but agriculture is main. Residential purpose is clear as consumer is residing there, arrangement is made for labours working there in and accordingly use of electric meter is done for the purpose prescribed and there is no breach. It is pointed out that as per contention of Flying Squad cows, buffaloes were drinking water which is brought out with the help of motor attached to agriculture electric meter and further it is contended that labourers working in the dairy shop are residing in the residential premises wherein residential meter is fixed. He contended consumer being an agriculturist maintaining cattles, no doubt having a source of income by way of milk but agricultural is the main. Already for the dairy shop independent meter is taken. However, the observation of Flying Squad is not found consistent with the second visit, observation therein and visits of Assistant Engineer and inspection pertaining to these two meters which were found contrary to the observations of Flying Squad i.e. no any such breach was noticed by Assistant Engineer. No doubt after the visit of Assistant Engineer things are regularized but the liability shown due to the observation of Flying Squad maintained and heavy liability is shown which is not at all correct. Accordingly he submitted that said bill issued by the Licensee be set aside.

- 10) On behalf of Licensee the concerned representative submitted that the bill is as prepared on the action of Flying Squad but not disputed the visit of Assistant Engineer and things noted by the Assistant Engineer. Accordingly though representatives of Licensee tried to support the action, not placed on record the material which was directed to be produced.
- 11) From the aforesaid discussion and contention of rival parties now it is clear that in the area of consumer three meters are there, purposes are specific agriculture is main, only because cattles are drinking water lifted through the motor attached to the Ag. connection cannot be said to be the breach of condition i.e. conversion of use. Same is the position pertaining to residential premises. It is not shown specifically quantum of labours working actually in dairy shop and whether same persons are residing in the said premises. Even though they are working there, if unit is there for residential purpose it cannot be said that it is conversion of commercial use. Accordingly we find the action taken relying on the Flying Squad report is not clear and acceptable. The two inspection reports dated 14/02/2011 are found totally not to the tune under Section 126 of Electricity Act 2003. Things are not done appropriately as required for bringing the action within four corners intended conversion or breach. Accordingly the grievance of consumer is to be redressed and the bill issued by the Licensee for Rs. 03,53,060/- is to be set aside. Hence this application is to be allowed.
- 12) Hence we pass the following order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) The bill issued to consumer for Rs. 03,53,060/- is set aside and if payment is done by the consumer, Licensee to adjust it in ensuing bills and compliance be reported within 60 days from the date of receipt of this order.
- 3) 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”.

- 4) 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 : 18/06/2012

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan