



**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/N/023/272 OF 2009-2010 OF**  
**SHRI MARUTI BABU KAMADI, RESIDENT OF BADLAPUR (EAST)**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN REGARDING REFUSAL TO GIVE NEW**  
**CONNECTION.**

Shri Maruti Babu Kamadi (Member)  
Proposed Moraya Hsg. Society,  
Shreekrishna Nagar, Apte Wadi,  
Kulgaon, Block No. 301,  
S. No. 47, Plot No. 2  
Badlapur (East), Dist : Thane

(Here-in-after  
referred  
as Applicant)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Badlapur East Sub-Dn. Badlapur  
Tal : Kalyan, Dist : Thane

(Here-in-after  
referred  
as licensee)

- 1). 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. This 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 Applicant claims that he has made an application on 21/01/09 to the licensee for electric connection for the use in staircase and terrace of the building of the said proposed society. The licensee ought to have given such electric connection within seven days. However, the licensee rejected his such application on incorrect ground to the effect that no electric connection can be released for the use in staircase of the said building without paying the arrears of the electric supply for the said staircase earlier, vide letter dt. 03/02/09. He has therefore, registered his present grievance application with this Forum on dated 15/05/2009 against the refusal to give new electric connection by the licensee .
- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/458, dated 15/05/2009 to Nodal Officer of licensee. The licensee through Dy. Executive Engineer, MSEDCL., Badlapur East S/Dn. filed reply vide letter No. DYEE/BDL/East/Tech/925/273, dt. 29/05/09.
- 4) The licensee claims that the applicant had earlier registered his grievance with this Forum in October 08 about the excessive energy bill of P.D. consumer No. 021660305910 in the name of Arun N. Khamkar. The said connection was issued for the construction purpose for the building at S. No. 47, Plot No. 2, Shrikrishna Nagar, Apte Wadi, Shirgaon. After construction was over, the occupants of the building utilized the said connection for staircase lighting purpose from April 2003. The said connection was permanently disconnected

on 22/07/05. It filed copies of all relevant documents in the said above referred case. Hearing in the said case was held on 12/11/2008. The applicant Shri Maruti Kamadi is one of the flat owner in the said building and is already having an electric connection with consumer No. 021660343595/2 in his name in the Flat No. 301. The above referred case was finally decided by this Forum on 15/12/08. Thereafter, the applicant Shri Maruti Kamadi made an application for new connection for staircase and terrace lighting in the same building in his name. No new connection can be released for the said building for staircase and terrace lighting unless the arrears against P.D. connection with consumer No. 021660305910 are paid. Therefore, it has so informed to the applicant vide letter No. 257, dt. 03/02/09. This Forum also observed in it's final order dt. 15/12/08 in case No. K/E/137/158 that the consumer can apply for new connection after payment of arrears if any. It, thus, claims that it has rightly refused fresh electric connection to the applicant, and hence the grievance application filed by him is liable to be rejected.

- 5) The Forum heard both the parties on 02/06/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Maruti Babu Kamadi (Applicant) and his representative Shri J. A. Pardeshi (C.R), Shri A. W. Mahajan Dy. Ex. Engr., Shri B. R. Mudliyar A.E. and Shri S. S. Nalke, Jr. Manager, all representatives of the licensee (LR) attended hearing. Proceedings of the hearing including submissions made by both the parties are recorded and the same are kept on the record and the said submissions made by the parties shall be referred at the time of deciding grievance made by the consumer, in order to avoid repetition.
- 6) The applicant, after hearing on 02/06/09, sent a representation dt. 02/06/09, containing various contentions such as the licensee has given a misleading

reply, that the proposed Moraya Hsg. Soc. and its members have no concern with Shri Arun N. Khamkar and the electric connection taken by him for construction purposes, and that the licensee permitted use of the said electric connection for pump house with huge arrears and about after 15 days of such use, started harassing the members of the society to pay the arrears and thereafter disconnected the supply without any notice and that the earlier case has no concern with this case.

- 7) The Applicant, after hearing on 02/06/09, sent a representation dt. 04/06/09, alleging that the licensee has changed the tariff of the concerned electric connection with consumer No. 021660305910 in the name of Shri Arun N. Khamkar given for construction purposes from commercial to residential in 2002 without proper grounds, necessary documents, without following legal procedure and even though the construction of the said building was still going on and nobody has applied for the same. The construction of the said building was going on till 2003 and thereafter. Thus the licensee has financially helped the builder by changing the tariff of the electric supply from commercial to residential even though the construction of the said building was still going on. The LR admitted during hearing that he does not know as to for which the said electric supply was used after its tariff was changed from commercial to residential. The licensee should produce strong documentary evidence about it, else its such say becomes illegal. Therefore, the say of licensee to the effect that the electric supply of the said electric connection was used for pump house and staircase cannot be accepted. There was no electric connection for the use in the terrace at any time and therefore, the question of there being any such arrears of such electric connection to the terrace does not arise. The documents filed by the licensee disclose that the licensee has not given any electric connection for the pump house. The alleged arrears

claimed by the licensee are of electric connection with consumer No. 021660305910 in the name of Shri Arun N. Khamkar which was given to him for construction purposes. Thus the said arrears are standing in the name of the person in respect of the connection of which tariff, the licensee has illegally changed from commercial to industrial. Therefore, the proposed Moraya Housing Society or it's members have no concerned with the said arrears. Shri Arun N. Khamkar and his building business were only having concerned with the said electric connection with consumer No. 021660305910. The proposed Moraya Hsg. Soc. or it's members were not having any concerned with the said Shri Arun N. Khamkar. The use of the said electric connection was being made and will continue to be made for the constructions purposes only. Therefore, it has become necessary to decide as to whose connection it was and whose responsibility is to pay the arrears against the said connection ? The above facts were disclosed after the licensee filed reply and documents on 29/05/09. The order of this Forum in case No. K/E/137/158 discloses that the licensee did not file concerned documents inspite of specific directions. It is thus clear that the licensee has filed the said documents which it did not file in the above referred earlier case, in this case. This Forum has to pass final order in the above referred earlier case in absence of such documents. Thus all these incidents occurred after the applicant filed this grievance application and therefore, he could not make relevant prayers. Therefore, he has prayed in such letter that it should be declared as to who is the owner of the said earlier electric connection standing in the name of Shri Arun N. Khamkar, who is responsible to pay arrears against the said connection, who has used the electricity by the said connection till 2009, whether the proposed Moraya Society and it's members were having any concerned with the said connection and whether it was

proper or improper on the part of licensee to change tariff of the said connection from commercial to residential and whether such act of licensee was legal or illegal and who is responsible for the same.

- 8) The licensee also after hearing submitted a rejoinder dt. 09/06/09 containing clarification that the concerned electric connection in the name of Shri Arun N. Khamkar was single phase connection, the last bill paid as per commercial tariff was for Rs. 34,720 and the same was paid on 06/12/02, the tariff was changed from commercial to residential in March 03 as a common meter in the building, single phase residential connections were issued to some of the flat owners such as the applicant Shri Maruti Babu Kamadi and Bhaskar Dattu Patil in Feb. 03 and the arrears against the said P.D. connection till this date are Rs. 30,338.52 (including interest). The licensee also filed some documents with such rejoinder.
- 9) The CPL of the concerned P. D. electric connection standing in the name of Shri Arun N. Khamkar shows that the charges of the electricity supplied by the said connection were being charged as per commercial tariff from Dec. 2001 to Feb. 2003 and as per residential tariff from April 2003 onwards, that the said connection was permanently disconnected in Dec. 2005 due to the non payment of electric charges, that the total arrears at that time were Rs. 27,416. The CPL further shows that the net bills for the bills for Dec. 01, Feb. 02, Apr. 02, June 02, Aug. 02, Oct. 02, Dec. 02, and Feb. 03 i..e. till the time commercial tariff was been applied to it were for Rs. 63.00, Rs. 784.30, Rs. 3713.88, Rs. 4912.10, Rs. 6136.64, Rs. 27,786.03, Rs. 2402.78, and Rs. 17,856.14 resp., and for the subsequent period after change of tariff to residential, the net bills for the months Apr. 03, June 03, Aug. 03, Dec. 03, Feb. 04, Apr. 04 were for Rs. 28,704.90, Rs. 40,295.76, Rs. 49,445.09, Rs. 66,666.03, Rs. 74,294.48, Rs. 52,643.54 resp. Thus the net bills for the

period subsequent to change of tariff from commercial to residential are for higher amounts and the same case is in respect of consumption i.e. the consumption after the change of tariff is more than for the earlier period. In view of this the allegation of applicant that the licensee has changed such tariff for giving it's benefit to the builder has no substance. Moreover, the said fact shows that the electric supply was being used for common purposes since the time of such change and hence the consumption and consequently the amounts of net bills have increased since April 03. This substantiates the contention of licensee that the said electric connection given for construction purposes was converted into for residential purpose on the request of the persons who started residing in the said building since April 03 or so. The electric bills issued in the name of applicant Shri Maruti Kamadi and one Bhaskar Dattu Patil filed by the licensee show that the electric connection to them in the said building was given in Feb. 03 and hence it can be inferred that they started residing in the flats in the said building, at the most from Feb. 03. If their flats could be occupied in Feb. 03, it can be said that other flats may have been occupied within some months from Feb. 03 and the contention of the applicant to the effect that construction continued for much period since the time of such change of tariff in Apr. 03 does not appear to be correct. It is pertinent to note that the earlier grievance application vide case No. 158 was filed by the applicant Shri Maruti Babu Kamadi himself in the name of Shri Arun N. Khamkar C/o. Shri Maruti Babu Kamadi and in the said case, the licensee filed a copy of the application given by the residents of the said building on 20/12/05 showing willingness to pay the arrears against the said connection in three installments. Had the said connection was not being used for electric supply for common use, which may be for pump house or for the staircase or for the terrace, they would have never agreed to pay the arrears

against the said connection. Therefore, the contention of licensee in this behalf appears to be correct. Regulation 10.5 of MERC (Electric Supply Code etc.) Regulation 2005 provides that any charge of electricity or any sum other than a charge for electricity due to the distribution licensee which remains unpaid by a deceased consumer or the erstwhile owner/occupier of any premises, as the case may be, shall be charge on the premises. However, it's provision restricts the liability of such new owners or occupiers to the extent of unpaid charges for electricity supplied for a maximum period of six months, apparently from the date of permanent disconnection. Therefore, since the use of concerned electric connection was being made for common purposes for the residents of the said building, the responsibility to pay unpaid charges for electricity supplied to such premises for a maximum period of six months lies on the residents of the said building or society. Therefore, the licensee will have to be directed to give electric connection to the applicant in his capacity as member of proposed Moraya Housing Society on payment of six months of the unpaid charges for the electricity supplied through the said electric connection with consumer No. 021660305910 from the date of permanent disconnection of the said connection on 22/07/2005.

- 10) There has been sudden increase in filing of grievances since last three months and therefore, there has been delay of two days in deciding this case.
- 11) In view of the above discussion, the Forum unanimously passes the following order.

### **ORDER**

- 1) Grievance application is partly allowed.
- 2) The licensee to give electric connection to the applicant Shri Maruti Babu Kamadi in capacity as member of proposed Moraya Housing Society on the



application made by him on his payment of six months of the unpaid charges for the electricity supplied through the said electric connection with consumer No. 021660305910 from the date of permanent disconnection of the said connection on 22/07/2005 as per provisions of Regulation 10.5 of MERC (Electric Supply Code and etc.) Regulations 2005.

- 3) The Compliance should be reported to the forum within 60 days from the date of decision.
- 4) The Consumer can file representation against this decision with the Ombudsman at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity  
Regulatory Commission, 606/608, Keshav Building,  
Bandra Kurla Complex, Mumbai 51”*

Representation can be filed within 60 days from the date of this order.

- 5) 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 Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”

Date : 16/07/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M.N.Patale)  
Chairman  
CGRF Kalyan