

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/20/2012

Applicant : Late Ratanlalji Banthiya,
Through Son Shri Vijay Ratanlalji
Banthiya, at Back side of Nikalas
Mandir, Bapura Galli, Itwari,
NAGPUR.

Non-applicant : Nodal Officer,(Distribution Franchisee),
The Superintending Engineer,
Nagpur Urban Circle, MSEDCL,
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 19.4.2012.

The applicant filed present grievance application before this Forum on 28.2.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant's case in brief is that since September 2009, he is receiving electricity bills as per Commercial tariff. However, it is residential connection. Therefore the applicant filed an application to apply the residential tariff since March 2010 and to revise the bills.

2. The Non applicant denied the case of the applicant by filing reply Dt. 15.3.2012. It is submitted that there is residential connection in the name of Late Shri Ratanlal Motilal Banthiya. Till March 2010, bills were issued as per residential tariff. However, since April 2010 the applicant was using the electricity for commercial purpose and therefore bills as per commercial tariff were issued since April 2010. The applicant did not complain regarding the same till 20.10.2011 and paid all bills under commercial tariff.

3. On 20.10.2010 the applicant filed complaint to Distribution Franchisee SPANCO for the first time and on the second time the applicant filed complaint to M.S.E.D.C.L. on 4.11.2011 that there is residential use. Therefore, there was spot inspection on 7.2.2012. It is found that the applicant is using electricity for residential purpose and therefore the tariff is changed accordingly.

4. In this matter, there is difference of opinion amongst members of Forum. Therefore, decision is based on majority view of the Forum and descending note of Hon'ble Member / Secretary is noted at the bottom as part of the order.

MAJORITY VIEW OF HON'BLE CHAIRMAN AND HON'BLE
MEMBER OF FORUM

5. Forum heard arguments of both the sides and perused the entire record. Record shows that there is residential connection in the name of Late Shri Ratanlal Motilal Banthiya since 21.1.1972. Death certificate produced by the applicant shows that the said consumer Shri Ratanlal M. Banthiya expired on 3.10.1997. In fact the applicant Shri Vijay Ratanlal Banthiya is not consumer on record. It is a great surprise that though the original consumer Shri Ratanlal M. Banthiya expired on 3.10.1997 i.e. prior to 15 years, even then the applicant did not take pains to transfer the connection in his own name. The connection is going on in the name of deceased person which may create further complications in future. Regulations are applicable to both parties equally. Therefore, it is necessary for the applicant to file the requisite application in M.S.E.D.C.L. and to transfer the connection in his own name according to Regulation 10 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 for change of name.

6. Record further shows that for the first time the applicant complained to SPANCO on 20.10.2010 that his use of electricity is for residential purpose. Accordingly, there was spot inspection on 7.2.2012 and it is found that the applicant is using electricity for residential purpose. Therefore, at the most, the residential tariff can be applied since 21.10.2011 and not prior to that because in reply of the non applicant, it is specifically

mentioned that mean while the applicant was using the electric supply for commercial purpose since April 2010 and therefore commercial bills were issued but till 20.10.2011 the applicant did not complain and paid commercial bills. Therefore, it is necessary to revise the bills as per residential tariff since 21.10.2011 only.

7. DISSENTING NOTE OF HON'BLE MEMBER - SECRETARY
OF THE FORUM

- 1) I differ on the point of directing the applicant to take legal steps to transfer the connection in his own name within 30 days from the date of order and compliance from the consumer thereof.

- 2) In this case, the Grievance is regarding change of category and not the change of name. After referring Schedule 'A', the applicant mentioned the Grievance as “ march – 10 पासून Res. Bill हे comm.. Rate ने लागून येत आहे. ” and the expected relief from the Forum mentioned as “ Bill. March-10 से सुधारित Bill दिया जाए। ”. So it is clear that the Grievance of the applicant is regarding change of category and expected revision in the bill accordingly. Nowhere in the Schedule mentioned anything about change of name. In other words the applicant does not have any objection regarding name printed on the Electricity Bill.

3) The Regulation 8.2 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, it is mentioned that : -

8.2 If, after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely –

(a) to remove the cause of Grievance in question;

(b) to return to the consumer the undue charges paid by the consumer;

(c) to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer:

Provided however that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.

(d) to pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensees.

(e) any other order, deemed appropriate in the facts and circumstances of the case.

In this regulation, it is clearly indicated that if Forum finds that the Grievance is correct, it shall issue an order to the distribution licensee, directing it to do as per the Grievance redressal in a time bound manner. Since the change of name is not the grievance, there should not be any order to the Licensee / applicant. But if the Forum finds some thing that will help the

applicant as a consumer in future it can guide him. Therefore, the Forum can guide the applicant to change its name if he finds some difficulty with respect to coordinate with Non applicant.

4) Therefore, I vote in favour of applicant regarding change of category but not for change of name. So in my opinion there should not be any order to the applicant changing his name within 30 days and compliance thereof because it indicates compulsion for change of name and nowhere in the regulations is mentioned that the applicant should have his name printed on the electricity bill for filing grievance in the Forum. In fact, the non-applicant also, during grievance process never objected with respect to the name printed on applicant's electricity bill.

8. For these reasons Forum holds that it is necessary to revise the bills of the applicant as per residential tariff since 21.10.2011 only. Hence the following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant is hereby directed to charge residential tariff to the applicant with effect from 21.10.2011 and to revise the bills accordingly.

3) Non applicant should comply this order within 30 days from the date of this order.

4) The applicant is hereby directed to take legal steps to transfer the connection in his own name within 30 days from the date of this order according to Regulation 10 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005.

5) The applicant should comply Para 4 of the order within 30 days from the date of this order.

Sd/-	Sd/-	Sd/-
(Smt.K.K.Gharat)	(Adv.Smt.GauriChandrayan)	(ShriShivajirao S.Patil)
MEMBER	MEMBER	CHAIRMAN
SECRETARY		