



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1468/1723 of 2017-18

Date of registration : 10/10/2018

Date of order : 22/11/2018

Total days : 43

IN THE MATTER OF GRIEVANCE NO. K/E/1468/1723 OF 2017-18 OF SHRI.SANTOSH V.JETHANI, SHANTI NAGAR APPT., ROOM NO.304, B-WING, ULHASNAGAR, DIST-THANE, PIN CODE – 421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Santosh V.Jethani,
Shanti Nagar Appt.,
Room no.304, B-Wing,
Ulhasnagar, Dist-Thane,
Pin Code – 421 001

(Consumer No. 021510625991) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Kalyan Circle-II, Kalyan

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.J.L. Borkar, AEE, Ulhasnagar-I S/dn.

For Consumer - Shri. J.S. Rajput (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs. S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005]. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of

Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is one Shri.Santosh V.Jethani having consumer no. 021510625991. Grievance is that there was no user and no consumption. The meter having no.98103083920 is of flash company. It was running without load. That being so in CPL Jan-2016 -'1' unit, Feb-2016 -'23' units, March-2016 - '52' units, April-16- '28' units', May-16, '32' units June-16- '1350' units Nov-16-'672', units, Dec-2016 '233' units RNT Jan-2017 -'233 units' RNT Feb-2017 '233' units RNT March-2017-'233' units RNT April-2017-'10529' units normal. Thereafter RNT May-2017-'2106' units. This way meter is running without load. This fact should have been noticed in monthly inspection to be done by the Distribution Licensee officials.

3) Consumer further submits that Distribution Licensee did not revise the bill but on the contrary disconnected supply. Consumer relied on MSEDCL material management letter SP/Rolax-Flash/X/778 dt.09/03/2016.

4) Consumer prays that as per regulations no reply was given to the consumer letter dt. 03/08/2017 within 12 weeks. Hence compensation be awarded action be taken against the erring official for not following due procedure including regular spot inspection bimonthly. SOP compensation for disconnecting without notice or action be taken against erring official. Warning be given for future.

5) Distribution Licensee in reply contends that one Shri.Pradeep Jamnadas Gurnani residing at Flat no. 504 Shanti Sagar, Ulhasnagar-I and was having connection no. 021510626033 in the name of Shri.Santosh V.Jethani. It was permanently disconnected on 21/10/2016 with final reading '12781' and having arrears of Rs.96930/- also claiming above consumer bearing Flat no.304. On 20/06/2017 concerned Section Engineer spot inspected the premises of flat no. 504 and found that consumer is using direct supply hence bill of Rs.15370/- under Section 135 was issued to the consumer which he paid on 21/06/2017 vide R.No.9176844. Prior to that consumer of flat no.304 was pretending to be non-user and extending supply to that no.504 since date of Permanent Disconnection 21/10/2016 (021510626033). It is evident from CPL of spot inspection report dt. 20/06/2017 that consumer was using power supply from connection no.021510625991. This consumption is recorded as per CPL and image of meters photos. Of meter produced.

6) Consumer no.021510625991 flat no.304 was not paying the bills already stated as above and he was extending supply to flat no.504 where arrears are pending. Supply of flat no.304 was permanently disconnected on 25/05/2015 with final readings as '18296' and having arrears Rs.62,150/-. Connected load of flat no.504 is 5.86 kw where supply from flat no. 304 is extended established recorded consumption on meter and not due to the flash meter running on no load condition.

- 7) Consumer has not paid arrears of flat no.304. But he had applied for new connection to flat no.504. After payment of permanent disconnection arrears and assessment of flat no.504. New connection was released to flat no 504 on 04/08/2017 with consumer no.021513709886. Due to nonpayment of arrears of consumer no.021513709886 power supply of this connection was disconnected permanently on in Jan-2018 with arrears Rs.135788.
- 8) On 30/05/2018 consumer was found to be using of again direct supply to flat no.504 where connection there was permanent disconnection in Jan -2018 hence FIR was lodged against the consumer.
- 9) Consumer Shri.Pradeep Jamnadas Gurnani has already committed in writing on 25/02/2017 that he owns flat no.304 and 504 and will pay arrears of connection no.021510625991. Therefore consumer Shri.Pradeep Jamnadas Gurnani was having custody of flat no.304 and 504 and using power supply to flat no.504 as and when required also twice consumer was arrested under section 135 of elect Act 2003. Therefore it was felt necessary to issue disconnection notice as consumer was not paying the bill usage of electricity.
- 10) We have heard both sides. As we see the facts there are two flats 304 and 504 in same building. Both the flats belong to the consumer Shri.Pradeep Jamnadas Gurnani. He was having a connection no.021510626033 in the name of Shri.Santosh V.Jethani. It was permanently disconnected on 21/06/2016 with final reading '12781' and arrears of Rs.96938/-. It is evident from CPL and spot inspection report dt.20/06/2017 that consumer was using power supply from connection no. 021510625991 to flat no.504 but pretending that flat no.304 was non use and was not paying bill. Supply from 021510625991 was disconnected on 25/05/2017 with final reading as '18296' and arrears of Rs.62650/-. It is the contention of Distribution Licensee that connected load to flat no.504 is 5.86 kW. Readings are due to consumption and not due to flash meter running on no load condition. It is in this background it is revealed that consumer applied for new connection for flat no.504. After payment of Permanent Disconnection arrears of and assessment of flat no. 504 new connection was released to flat no. 504 on 04/08/2017 bearing consumer no.021513709886. It is revealed that on 30/05/2018 consumer was found to be again using direct supply to flat no. 504 where connection was made permanent disconnection in Jan-2018. Hence F.I.R. has been lodged.
- 11) It is to be born in mind that we are dealing with consumer welfare legislation which can not be allowed to be used by consumer for hood winking on Distribution Licensee by misusing technicalities.
- 12) Grievance Fails.

Hence the Order

ORDER

Grievance is dismissed.

Date : 22/11/2018

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

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan

NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”.
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) 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”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

