



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/DOS/80/1737 of 2017-18

Date of registration : 22/11/2018

Date of order : 05/12/2018

Total days : 13

IN THE MATTER OF GRIEVANCE NO. K/DOS/80/1737 OF 2017-18 OF DR.JITENDRA SUHAS KHER, S.NO.831, WILD CAMP, KHERWADI, M.P. KHODALA, TAL-MOKHADA, DIST-PALGHAR, PIN CODE - 401 604 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Dr.Jitendra Suhas Kher,
S.No.831, Wild Camp,
Kherwadi, M.P. Khodala,
Tal-Mokhada, Dist-Palghar,
Pin Code - 401 604

(Consumer No. 009560028269) . . . (Hereinafter referred as Consumer)

V/s.

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

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri. R.A.M.Saiyyad, Dy.EE, Mokhada S/dn.

For Consumer - Shri.Alpesh Dhedia (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 M/S Wild Camp Dr.Jitendra Suhas Kher having Consumer No. 009560028269 LT Commercial. Grievance is that abnormal bill was issued to the consumer for the month of June-2018 for an amount of Rs.21,260/- and for the month of July-2018 for an amount of Rs.54,280/- and for Aug-2018 for an amount of Rs.59,370/- Sept -2018 for Rs.6,09,010/- and for the month of Oct-2018 Rs.6,23,350/- which are incorrect. It is further stated that notice of disconnection was issued dt.12/11/2018. There are no prayers made.

3) Distribution Licensee in reply contends that the connection no. 009560028269 belongs to consumer. Also there is connection bearing consumer no.009560007393 also belongs to consumer and is in the same premises. The same is made permanent disconnection for nonpayment of arrears to the tune of Rs.6,09,360/-. F.I.R. is lodged against the consumer at Jawahar Police Station vide F.I.R. no.119 dated 02/11/2018 under Section 138 of I.E. Act 2003 for externally burning his meter no.12570579 in respect of consumer no. 009560007393.

4) Distribution Licensee further contends that Dr.Jitendra Suhas Kher is the owner of "Wild Camp Resort". It is submitted that as per 10.5 of MERC Supply Code 2005 and MSEDCL Circular no. P-Com/Accts No.19021 dt.06/07/2013 arrears of Consumer no. 009560007393 amounting to Rs.6,09,360/- was shifted to live three phase consumer no. 009560028269 on 15th Oct-2018 for recovery purpose. Consumer neglected to pay the amount of Rs.6,23,350/- of the bill dt.15 Oct-2018 (i.e. bill of the month of Oct-2018) for which the due date for payment was 10/11/2018. Fifteen days' notice was given under Section 56 (1) of electricity Act-2003 vide TOL No. Dy.EE/MKD/Accts/789 dtd.12/11/2018.

5) Consumer further states that the actual connected load on meter Sr.No.60299842 of consumer no. 009560028269 was observed as 20.69 KW against sanctioned load of 5 kW. Hence the provisional bill under section 126 is issued vide TOL no. Dy.EE/MKD/Accts/793 dtd.14/11/2018. Consumer there upon approached Distribution Licensee office vide letter dt. 15/11/2018 for hearing and final order. Hearing was conducted and order for final assessment is issued vide TOL no. Dy.EE/MKD/Accts/794 dtd.15/11/2018 and has paid final bill assessment (S.126) for Rs.72,240/- vide Mr.No.0515315 dated 15/11/2018.

6) Distribution Licensee states that as per 10.5 of MERC Supply Code 2005 and MSEDCL Circular above referred MSEDCL is entitled to recover old arrears from existing consumer and therefore the bills issued to consumer no. 009560028269 are correct.

7) We have heard both sides. We have also gone through the supply code 2005 and circular above referred. Before us however as we find there were two electric connections to the same premises of the consumer one being consumer no. 009560007393 and the other being consumer

no. 009560028269. It is not that there was an old connection with some arrears which was made permanent disconnection and the same are shifted to connection subsequently taken. All the same it can be seen that two connections were given in the same premises to the consumer. There were quite some bills which remained unpaid for one of them i.e. consumer no. 009560007393. It is the allegation of Distribution Licensee that consumer neglected to pay the same and tried to create a scene as if the meter in respect of consumer no. 009560007393 burnt. It was seen however that the burning was from outside. Distribution Licensee official removed the meter and sent it for lab testing. It was found on lab test that the meter was Ok. and showed the recorded consumption which tallied the bills. There upon F.I.R. has been filed for offence under sec-138 of I.E. Act.-2003 Consumer, after creating the scene of burning of meter shifted the load of Consumer no. 009560007393 to consumer no. 009560028269. Distribution Licensee official therefore initiated proceedings under section 126 of I.E. Act 2003 and drew the bill which the consumer has paid.

8) Above being the state of things it can be seen that so far as consumer no. 009560007393 is concerned consumer was initially average billed at 73 units per month from Oct-2016 to Apr-2018 and later after checking the accumulated units were spread over subsequent period. Consumer was being billed accordingly for consumer no. 009560007393. Consumer paid first bill for June-2018 but failed to pay subsequent bills. Thereafter there was the suspicious show of burning of meter. Distribution Licensee submits that consumer has deliberately burnt the meter from outside. Reports given regarding the testing clearly probablize the same. Consumer had another connection on the same premises so apparently thought that he has nothing to lose. He shifted the load of 009560007393 to 009560028269. Distribution Licensee submits that consumer did all that to dupe of the arrears in respect of consumer no. 009560007393 which appears to have been clearly borne out. The meter test report, however clarified entire situation.

9) In the above facts and circumstance we do not see any illegality in the bills as well as the notice of disconnection. It is clear from the meter testing report that the MRI data is clearly available from which the consumption is clearly seen which tallies with the bills drawn. We do not see any reason why 10.5 of supply can not be invoked, premises being the same and bills being correct. Consumer cannot be allowed to use technicalities if at all, to hood wink Distribution Licensee.

10) Grievance fails.

Hence the order.

ORDER

Grievance is dismissed.

Date: 05/12/2018

(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.*