



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1539/1813 OF 2018-19

Date of registration : 05/02/2019

Date of order : 13/03/2019

Total days : 36

IN THE MATTER OF GRIEVANCE NO. K/E/1539/1813 OF 2018-19 OF SHRI.NARAYAN THARWANI, SUMAN PALACE, BASEMENT BLK NO.A-518, ROOM NO.1035, ULHASNAGAR, DIST.THANE, PIN CODE-421 004 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Narayan Tharwani,
Suman Palace, Basement BLK No.A-518,
Room No.1035, Ulhasnagar,
Dist.Thane, Pin Code-421 004
(Consumer No. 021514870991) . . . (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.D.B.Kumbhare, AEE, Ulhasnagar-IV S/dn.

For Consumer - Shri.Rahul Marathe (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary].

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.Narayan Tharwani and actual user being one Shri. Rahul Marathe. Consumer No. 021514870991 (Commercial). Grievance is that excess charges are included in the bill and threat of disconnection is issued causing mental harassment.
- 3) Distribution Licensee in reply contends that as the meter is inside the premises average billing was done for the period from Feb-2017 to Feb-2018 under "Lock" and "RNT" status. In Mar-2018 there were total arrears of Rs.9891/- as such permanent disconnection was done. It remained lock P.D.
- 4) Distribution Licensee further contends that on 12/04/2018 consumer paid Rs.5340/- as such reconnection was done.
- 5) Distribution Licensee further contends that Addl.Engineer. Lalchakkki branch made site inspection and reported that meter reading was 17423 kWh and sanctioned load 7 kW. Consumer was given the bill of June-2018 considering current reading as 17478 and previous reading 6483 for a total units of 10995. It was divided into 17 months. The bill came to Rs.132309.88.
- 6) Distribution Licensee further contends that it was revealed that in the said bill LCR (Lock credit) given was Rs.9419.98 which was less hence it was corrected and (-) 64464.41 credit was given. Then for Nov-2018 bill was given as per recorded reading for '297' units by dividing in four months and after giving lock credit of 21952.19.
- 7) Distribution Licensee further contends that after removing DPC consumer has to pay Rs.75166/- towards Jan-2019.
- 8) We have heard both sides. It is seen from the facts that the present complainant is the user. The name appearing as consumer is of erstwhile owner Shri.Narayan Tharwani. The entire bill now being claimed from the present user is of the erstwhile owner Shri.Narayan Tharwani. The supply was Permanently Disconnected on 12/04/2018. The supply was reconnected on payment of Rs.5340/-.

Admittedly no application had been given for change of name. At least as on 12/04/2018 no application was given for change of name. Thus it is as if the original consumer made payment of Rs.5340/- and reconnection was done. That does not mean that Distribution Licensee cannot present the correct bill at a later stage. When the connection was Permanently Disconnected, it was incumbent upon the complainant to write to Distribution Licensee to inform about purchase of property and request for change of name and to know the dues from the consumer which complainant has not done. Distribution Licensee thus being unaware of transfer of property has a right to claim dues from the subsequent purchaser. Here it is not even covered under Regulation 10.5 because bill now drawn is not of permanent disconnection. On the contrary when he entered in to possession though it was Permanently Disconnected, reconnection was got done

without informing Distribution Licensee about transfer of property. As such Distribution Licensee is entitled to recover all the arrears even of the previous owners.

Hence the Order

ORDER

Grievance is dismissed.

Date: 13/03/2019

(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.

