

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 49 OF 2022

In the matter of reconnection of power supply

Aruna Jaysukh Sapra..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Vasai (MSEDCL)..... Respondent

Appearances:

Appellant : 1. Hiren Sapra
2. B. R. Mantri, Representative

Respondent : 1. G. K. Gadekar, Executive Engineer, Vasai
2. D.R. Wattamvar, Dy. Executive Engineer, Wada
3. Rajiv Waman, Asst. Law Officer, Vasai

Coram: Vandana Krishna (Retd. IAS)

Date of hearing: 26th April 2022


Date of Order : 10th May 2022

ORDER

The Representation is filed on 8th April 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 4th January 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Vasai (the Forum).

2. The Forum, by its Order dated 04.01.2022 has partly allowed the grievance in Case No.44 of 2021. The operative part of the Forum's order is as below:

"2. The Respondent shall revise the bill of consumer No. 010800001221 within 7 days from this order as follow:



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- a. *Revise the bill for period of March 2017 to February 2018 on basis of final reading available on PD Report dtd.23.02.2018.*
 - b. *The interest and DPC levied since July-2017 on debit adjustment of provisional assessment Rs.16,16,120/- shall be waived off.*
 - c. *The interest and DPC of revised bill shall be waived off.*
3. *The consumer shall pay revised bill of Consumer No. 010800001221 and final bill of Consumer No. 010800001132 within 15 days from receipt of revised and final bill. On depositing the amount as aforesaid the consumer shall apply for new supply.*
4. *Both connections are PD, therefore Respondent on deposit of revised bill of Consumer No. 010800001221 and final bill of Consumer No. 010800001132 by consumer; shall sanction single new three phase connection for said premise on submission of completed application by consumer. “*


3. Aggrieved by the order of the Forum, the Appellant has filed this representation stating in brief as below:

- (i) The Appellant is a residential consumer (No. 010800001132) (in short No.-1132) of the Respondent at Farmhouse No. 287 at Kalamkhand, Tal. Wada, Dist. Palghar.
- (ii) The Respondent has disconnected power supply of the Appellant on 02.03.2021 without any notice for arrears. The Appellant requested for instalment after disconnection. The Respondent permitted to pay Rs.75,000/-. It was assured to pay the balance amount before March end. Accordingly, the Appellant has paid Rs.75,000/- on 04.03.2021 and requested for reconnection.
- (iii) However, the Respondent has denied for reconnection of the existing consumer and informed vide its letter dated 03.03.2021 that there were outstanding dues of Rs.45,54,950/- for another connection (Cons. No. 010800001221) (No.-1221) in same premises which was permanently disconnected. The Respondent has disconnected the supply before disconnection notice period. The Appellant has protested by letter dated 04.03.2021.
- (iv) The Appellant stated that the PD consumer (No.-1221) arrears are disputed on the following points:
 - a. In the month of February 2017, the Respondent has removed the service line and meter of this connection (No.-1221) and at the same time, the Respondent provided three-phase meter to Residential connection (No.-1132).


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- b. From the date of disconnection, the Respondent never issued any bills or correspondence against this PD consumer (No.-1221).
- c. Disconnection date of this PD consumer (No.-1221) was fed in the month of January 2018 instead of March 2017 and in between bills were charged on average basis with Status of 'Reading Not Available (R.N.A), Locked, or Inaccessible' due to removal of meter. After permanent disconnection and removal of meter in the month of February 2017, in Consumer's Personal Ledger (CPL), Meter serial number has changed from 5309270935 to 6506526842 without providing another meter practically on site.
- d. As per the norms of the Electricity Act, 2003 (the Act) and the Regulations of the Commission, disconnection means to remove the service line and meter. The agreement between the consumer and licensee has been terminated after disconnection.
- e. As per Section 56(1) of the Act, when a supply was disconnected, the Respondent should stop the issue of bills and process further for recovery of dues as per law.
- f. Without issue of final assessment order as per Section 126 of the Act, the Respondent has fed assessment amount of Rs.16,16,120/- in billing of June 2017. The said meter of the Appellant was made PD after 3 months without Appellant's knowledge.
- g. The Respondent has issued Final Assessment Order on dated 01.09.2020 without enclosure of bills to the Appellant which was sent to the Appellant after five months i.e., on 05.02.2021. This is totally wrong and baseless.
- (v) The Appellant requested the Respondent to revise the PD Consumer Bill withdrawing of assessment amount, average units charged from March 2017 to January 2018. However, the Respondent failed to do so.
- (vi) The Appellant approached the Forum on 05.03.2021. The Forum, by its Order dated 04.01.2022 has only partly allowed the grievance.
- (vii) Hence, the Appellant prays that the Respondent be directed



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- a) to issue the revised bill after withdrawn of Fixed Charges, Delayed Payment Charges (DPC) and Interest from 03.03.2021 till date as power supply was disconnected without any notice.
- b) to give the appropriate instalments for balance payment without charging DPC and interest.
- c) to reconnect the power supply immediately.
- d) to award compensation of Rs.50/- per hour (i.e.Rs.1200/- per day) till the reconnection as supply was disconnected without any notice.


4. The Respondent filed its reply by letter dated 20.04.2022 stating as under:

- (i) The Appellant is a LT Residential Consumer (No.-1132) from 29.06.2012 at House No. 287, Survey No 164, Kalamkhand, Wada-421 303 which is a farmhouse.
- (ii) The Appellant has taken another three phase electric connection for LT agriculture purpose having Consumer No.-1221 from 20.01.2014 at Survey No. 164, Kalamkhand, Wada-421 303.
- (iii) The Assistant Engineer, Gorha Section office of the Respondent (Asst. Engr.) inspected the said premises on 24.08.2016. The said premises had 2 connections :
 - a. Residential connection having Consumer No. 1132 and
 - b. Agricultural connection having Consumer No. 1221
- (iv) During inspection, it was found that the power supply of agriculture connection was illegally extended to the Residential premises for other than the sanctioned purpose, to get the benefit of lower tariff. Hence, the Respondent has initiated action against the Appellant towards unauthorized use of electricity as per Section 126 of the Act. The Respondent issued a Provisional Assessment Bill of Rs.16,16,120/- on 24.08.2016 for the period from January 2014 to August 2016 as per Section 126 of the Act. The final assessment bill was issued to the Appellant after giving opportunity of hearing on 21.08.2019 as per statute of the Act and also requested to pay the final assessment bill within 15 days or otherwise the supply would be disconnected without any notice.


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- (v) The Tariff category of the Consumer No.-1221 was changed from Agricultural to Residential from September 2016 onwards. Hence, finally, there are two residential connections on the same premises, and the Appellant was using connections portion wise of the premises. The Appellant did not pay the assessment bill within scheduled time. In addition to this, the Appellant was not regular in payment of her current bill of Consumer No.-1221 also. The outstanding dues of this connection was increased to Rs.29,58,893/- in January 2018. There are two electric connections (Cons.No. -1132 & Cons.No. -1221) in area of the said premises. The area of the premises is quite big, hence the Appellant started using these two meters as per her convenience in the said premises. The power supply of this connection (Consumer No. -1221) was permanently disconnected on 23.02.2018 for non-payment of bill.
- (vi) The Assistant Engineer further inspected the premises of the Appellant on 29.01.2021. During inspection, it was found that the Appellant has extended power supply of Consumer No.-1132 unauthorised on the portion of the said premises where normally power supply was fed by the Consumer No.-1221 which was permanently disconnected.
- (vii) The Respondent vide letter 03.03.2021 has requested the Appellant for payment of PD Arrears of Consumer No. -1221. The Appellant failed to pay the arrears of Consumer No. -1221 and was also using the power supply at portion of the premises where normally fed by Consumer No.-1221. Hence, the power supply of the Appellant (Consumer No. -1132) was also temporary disconnected on 03.03.2021. The said premises (bungalow) was totally without power supply.
- (viii) The Appellant approached the Hon`ble High Court, Mumbai vide Writ Petition(W. P.) No. 9411 of 2021 in respect of subject matter. The High Court disposed of the W.P.No.9411 of 2021 by its order dated 06.05.2021 with direction to deposit 50% amount of Final Bill Assessment (i.e., Rs. 808060/-) and to file the appeal before the Appellate Authority under Section 127 of the Act. The Appellant did not pay Rs.808060/- within schedule time of the order of the Bombay High Court.
- (ix) The outstanding dues of one connection are recoverable from the other live connection of same premises and same person. The Appellant was under legal


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obligation to pay the arrears of his old permanently disconnected consumer to live connection having same premises.

- (x) The Respondent referred the order of the Electricity Ombudsman (Mumbai) dated 18.03.2021 in Representation No. 9 of 2021 in support of its say. Therefore, there was nothing illegal in transferring the arrears of her PD connection to her other live connection on the same premises and same Consumer. The Appellant is liable to pay the same.
- (xi) The Appellant approached the Forum on 05.03.2021. The Forum, by its Order dated 04.01.2022 has partly allowed the grievance and directed to revise the bill of Consumer No. -1221 within 7 days for the period of March 2017 to February 2018 on the basis of final reading available on PD Report dated 23.02.2018 and to waive of the total interest and Delayed Payment Charges(DPC) levied since July-2017 on debit adjustment of provisional assessment Rs.16,16,120/-. As per direction of the Forum, the Appellant has to pay the revised bill of Consumer No. -1221 and final bill of Consumer No. -1132 within 15 days.
- (xii) The Respondent revised the bill of PD Consumer No. -1221 for Rs.27,59,110/- and issued on 05.04.2022 as per direction of the Forum. Out of this, Rs.16,16,120/- is the amount of final assessment order as per Section 126 of the Act. Hence, the Appellant has to pay (27,59,110 - 16,16,120) Rs.11,42,990/-.
- (xiii) The bill of residential consumer No.- 1132 was revised to Rs. 1,20,280/- as per the order of the Forum. Hence, the Appellant was requested to pay total amount of Rs. (11,42,990 +1,20,280) 12,63,270/-. The Appellant did not pay the same.
- (xiv) Both connections are PD, therefore after payment of the revised bill, the Respondent was to club Consumer No. -1221 and Consumer No. -1132 together being both connections are of same name and same premises as per the directions of the Forum.
- (xv) The Appellant paid the 50% assessment bill of Rs.8,08,060/- on 30.03.2022 as per direction of Bombay High Court and challenged the final assessment issued under Section 126 of the Act before the Superintending Engineer, Electrical, Government of Maharashtra, Chembur. However, the Appellant is still liable to pay Rs.


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11,42,990/-as per order of the Forum for restoration of residential connection as per statutory requirement.

(xvi) In view of above, the Respondent prays that the Representation of the Appellant be rejected.

5. The Appellant vide her letter dated 25.04.2022 has filed an additional submission stating as below:

- As per the Statement of Reasons of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Standards of Performance for Distribution Licensees, including Power Quality) Regulation 2021 of the Commission, the Centre of People Collective has made a general suggestion that arrears pertaining to a disconnected premises may be transferred to another premises belonging to the same consumer. But Commission has not accepted the same with reason that as electricity dues are identified with premises and each premises is therefore a separate legal entity / consumer / account number.
- The Respondent, vide its letter dated 05.04.2022, informed the outstanding of Rs. 1,20,287/- against existing connection No.-1132 and Rs. 11,42,990/- against PD consumer No.-1221 and requested to pay the total amount of Rs.12,63,270/- and thereafter supply will be restored as per order of the Forum.
- Respondent has never submitted “Site meter replacement report” in which details of the existing meter and replaced meter including the initial reading of the new meter and reason for meter replacement has noted down in presence of consumer, to her or the Forum or Electricity Ombudsman submission.
- Existing Meter No. 5309270935, which was provided till February 2017, was in working condition. There was no reason for meter replacement. Meter and service line has removed by the Respondent, and no new meter / connection has provided for the period of March 2017 to January 2018.
- For the claim of meter replacement in the month of March-17, the Respondent should submit the physical meter replacement report.



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- The Respondent has submitted computerized Permanent Disconnection report which are not valid documents. Respondent has provided meter Sr. No. 6506526842 to another consumer and fed into PD consumer No.-1221. This has false report.
- As per Commission`s rules and regulations, installation or replacement of the meter shall be done by the Distribution Licensee`s Engineer or its authorized representative in the presence of the Consumer or his authorized representative and Distribution Licensee shall record the details of the existing meter and replaced meter including the initial reading of the new meter.
- The Respondent has issued the bill for existing connection No.-1132 which was disconnected without any notice in the month of March 2021. March-21 bill has outstanding of Rs.109798/- (-) 75000/- paid on date 04.03.2021 = Rs. 34798/-.
- The Respondent has disconnected the supply and removed the meter on date 02.03.2021 and thereafter Respondent has issued the bills on TD status up to Nov-21 and PD bill in the month of Dec-21 with current reading 11841 kWh consumption shown 1149 units which has totally wrong.
- The Respondent should revise the existing connection No. 010800001132 with reference to disconnection report.

6. The Respondent by its letter dated 25.04.2022 has submitted additional reply as below:

- (i) The Appellant is a habitual defaulter for payment of bill and has been illegally using agricultural connection for residential purpose. The notice through SMS was given on registered mobile No. 9987303344 for payment of arrears of Rs 74,713/- and the notice period was over on 31.01.2021. But the Appellant has not paid the bill. Therefore, the power supply of the Appellant was disconnected on 03.03.2021.
- (ii) The Appellant has paid the bill on 04.03.2021 of Rs.75,000/-. Hence the electrical connection of the Appellant was reconnected on 04.03.2021.
- (iii) On 29.01.2021 Assistant Engineer has inspected premises of the Appellant and it was found that the Appellant was using electricity at permanently disconnected place of Consumer No.-1221 through other electricity meter connection having



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Consumer No.-1132. Therefore, a letter vide No. 505 regarding payment of arrears of PD consumer No.-1221 was issued on 03.03.2021 but the Appellant has not paid the arrears of Consumer no. -1221 and continued to enjoy electricity supply at the place of arrears. Therefore, the electrical connection of consumer No.—1132 was disconnected on 24.03.2021.

7. A hearing was held on 26.04.2022 where the Appellant was physically present; however, the Respondent attended the hearing through video conferencing. The Representative of the Appellant reiterated the submission made in the Representation and argued that the Respondent has disconnected power supply of the Appellant (No.-1132) on 02.03.2021 without any notice for arrears as per Section 56 (1) of the Act. The Appellant is without supply since then. The Appellant is ready to pay the bill of Consumer (No.-1132) however, the Respondent is demanding illegal bill of Rs.11,42,990/- of another Agricultural Consumer (No.-1221).The Appellant further argued that the Respondent has disconnected this connection (No.-1221) in February 2017 which was reflected in January 2018 instead of March 2017 in CPL. The Respondent was wrongly issuing bills on average basis on 'R.N.A, Locked, or Inaccessible' Status despite the meter being not on site. The Appellant argued that after permanent disconnection and removal of meter in the month of February 2017, Meter serial number has changed from 5309270935 to 6506526842 in CPL without providing any meter on site.

8. The Appellant argued that it has fed assessment amount of Rs.16,16,120/- in the billing month of June 2017 without Final Assessment Order which was issued on 01.09.2020. The Bill was not revised by withdrawing average units charged from March 2017 to January 2018 and consider this revision as one time settlement as per department circular of the Respondent by withdrawing DPC and Interest. However, till date, the bill has not been revised. The Appellant also referred the order passed by the National Consumer Disputes Redressal Commission in Case of Chandrakant Mahadev Kadam V/s. Assistant Engineer, MSEB, Atpadi & Ors., for the compensation at Rs.500/- per day where the electricity remained disconnected, and the amount should be recovered by the department from its negligent and defaulting officials. Hence, the Appellant prays that direction be given to the Respondent to issue the bill and to reconnect the



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power supply immediately, Rs.50/- per hour (Rs.1200/-) per day compensation till reconnection since supply is disconnected without any notice and request to pay cost of diesel.

9. The Respondent reiterated its written submission stating that during inspection on 24.08.2016, it was found that the power supply of agriculture connection was being illegally extended to the residential premises to get benefit of lower tariff. Hence, action was commenced against the Appellant towards unauthorized use of electricity as per Section 126 of the Act and issued a Provisional Assessment Bill of Rs.16,16,120/- for the period from January 2014 to August 2016 and also issued Final Assessment bill after opportunity of hearing. However, the Appellant did not pay at least 50% of the Final Assessment bill and not made any appeal as per Section 127 of the Act. However, the Appellant approached the Hon`ble High Court, Mumbai vide Writ Petition (W. P.) No. 9411 of 2021. The High Court disposed of the Case by its order dated 06.05.2021 with direction to deposit 50% amount of Final Assessment Bill (i.e., Rs. 808060/-) and to file the appeal before the Appellate Authority under Section 127 of the Act. The Appellant has paid Rs.808060/- on 30.03.2022 and made appeal before the appropriate authority. The Respondent further argued that the Appellant has a farmhouse on Survey No. 164 where two electricity connections were released. First (No.-1132) was residential purpose and second (No.-1221) was for agriculture purpose. However, after action as per Section 126 of the Act, the agriculture connection was converted into residential tariff category from September 2016. Hence, there are two residential connections in the same name and same premises. That is due to overlook.

10. The Respondent further argued that a complaint was received from the Appellant for Consumer No.-1221 of voltage fluctuation. The electric installation was checked and found that there was loose connection in the burnt terminal of the meter No.5309270935. Hence, the meter was replaced by meter No. 6506526842 on March 2017 for Connection (No.-1221). The necessary entries of meter replacement report was taken in billing system in the month of March 2017. The Appellant was billed as per actual reading in the month of April 2017 for 13494 units for two months. Thereafter, the Appellant restricted entry in the farmhouse to take the readings, which has resulted into further average billing. The Appellant was not paying the bills regularly for both the connections. Hence, the Respondent requested to pay the bills or


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otherwise, the supply would be disconnected as per Section 56 (1) of the Act. Despite this, the Appellant did not pay the total outstanding dues. Various disconnection notices were issued from time to time as per Section 56 (1) of the Act, however, the Appellant, being an 'important person' did not respond to these notices. Hence, the supply of the Appellant was disconnected on 23.02.2018 of the connection (No.-1221). The reading on meter was 48322 kWh.

11. The Appellant approached the Forum on 05.03.2021 and the Forum, by its order has issued various directions which have submitted in submission. The bills of both the connections were revised for the amount of Rs.27,59,110/- and Rs.1,20,280/-. The Appellant has to pay these revised bills keeping aside the assessment amount as per Section 126 of the Act. However, the Appellant refused to pay the same. On the contrary, the Appellant has extended the supply in the portion of the premises where normally, the supply of No.-1221 was used. Hence, the supply of No. 1132 was also disconnected. The Appellant was involved in Section 126. The existing load of the Appellant is very high than the sanctioned load. The Appellant did not permit entry to the Respondent's staff. In view of the above facts, the Representation of the Appellant be rejected.

12. The Appellant has submitted a rejoinder dated 02.05.2022 which is kept on record.

13. As directed during the hearing, the Respondent submitted additional information vide its email dated 04.05.2022. As per the meter replacement report of Consumer No. -1221, the old Meter No.09270935 of L & T make with final reading 99968 kWh was replaced by a new Meter No.06526842 of Genus make on 03.03.2017. The Respondent also submitted the statement of Shri Jagannath Shankar Tare, Senior Technician, Gorha Section Office of the Respondent. It indicates that there was sparking in the meter terminal which was reported by the representative of the Appellant. This was inspected on 02.03.2017 and it was found that the meter was burnt. Hence, it was replaced on 03.03.2017. The representative of the Appellant refused to sign on the meter replacement report.


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As per Spot Inspection Report dated 29.01.2021 of Consumer No. -1132, the load of the Appellant was found to be about 22 KW which includes 10 Air Conditioners. The supply was used at the place of PD consumer No.-1221 having arrears of Rs.29,57,760/-.


Analysis and Ruling

14. Heard the parties and perused the documents on record. The Appellant is a LT Residential Consumer (No.-1132) from 29.06.2012 at House No. 287, Survey No 164. The Appellant had taken another three phase electric connection for LT agriculture purpose having Consumer No.-1221 from 20.01.2014 at Survey No 164, Kalamkhand, Wada. The Respondent inspected the said premises on 24.08.2016. During inspection, it was found that the power supply of agriculture connection was illegally extended to the residential premises Hence, the Respondent has issued provisional assessment of Rs.16,16,120/- towards unauthorized use of electricity as per Section 126 of the Act.

15. The Tariff category of the Consumer No.-1221 was changed from Agricultural to Residential from September 2016 onwards. As a result, there were two residential connections (Cons. No.-1132 & Cons.No.-1221) on the said premises and the Appellant was using the two connections in different portions of the premises.

16. The Respondent contended that a complaint was received for Cons. No.-1221 of voltage fluctuation. The electric installation was checked and found that there was loose connection in the burnt terminal of the meter No.5309270935. Hence, the meter was replaced by meter No. 6506526842 on 03.03.2017 of Connection (No.-1221). The necessary entries of meter replacement report was taken in billing system in the month of March 2017. The Appellant was billed as per actual reading in the month of April 2017 for 13494 units for two months. There was huge outstanding dues and hence the power supply of this connection (Consumer No. -1221) was permanently disconnected on 23.02.2018 for non-payment of bill.

17. On the contrary, the Appellant contended that existing Meter No. 5309270935, which was provided till February 2017, was in working condition. There was no reason for meter replacement. Disconnection date was fed late for this PD consumer (No.-1221) in the month


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of January 2018 instead of March 2017, and in between bills were charged on average basis with Status of 'R.N.A, Locked, or Inaccessible' due to removal of meter. After permanent disconnection and removal of meter in the month of February 2017, in Consumer's Personal Ledger (CPL), Meter serial number has changed from 5309270935 to 6506526842 without providing another meter practically on site.

18. When perused the CPL, the following information is captured from the Data.

Cons No. -010800001221				Cons No. -010800001132			
Meter No.5309270935		Meter No.6506526842					
Details	Reading (KWH)	Details	Reading (KWH)	Details	Consumption (Units)	Details	Consumption (Units)
Jan-16	9	Mar-17	9	Apr-16		Mar-17	
Feb-17	93,203	Feb-18	48331	Feb-17		Feb-18	
18 months	93,194	12 Months	48322	15 months	960	12 Months	2
Avg. Cons.	5177	Avg. Cons.	5369	Avg. Cons.	64	Avg. Cons.	0.2

The Appellant raised the grievance of non-installation of meter for the first time in March 2017 in the Forum on 05.03.2021. However, the data from the above table clearly establishes that the meter No. 6506526842 was in service from March 2017 to February 2018. The meter has recorded 48322 units for the period from March 2017 to February 2018, and there was no consumption for the Connection No. 1332.

The Appellant argued that the Respondent removed the agricultural meter in March 2017 (No-1221) and disconnected the agricultural supply without replacing it by any new meter, therefore, the bills raised by the Respondent from March 2017 onwards are fictitious bills. However, if the agricultural meter was indeed removed, the entire consumption would have been recorded against the other residential connection (No.1132). Nowhere has it been argued that the said farmhouse was shut down or was not in use for this entire duration from March 2017 to February 2018, which was anyway the pre-Covid phase. Nowhere has the consumer made a representation that their consumption of electricity in this period was nil. Thus, the consumption should have been recorded in either of the two meters. The consumption against the residential connection No.-1132 was almost zero from March 2017 to February


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2018. During this period, the consumer was obviously not staying in the dark without any electricity consumption, as he has not made any complaint in this regard. Therefore, it can be inferred that the entire electricity consumption was happening against the earlier agricultural meter (No.1221). It seems that, after enjoying all undue benefits of using agricultural connection for residential purposes, the Appellant has tried to take advantage of a technical lacuna, i.e., lack of signature of the consumer on meter replacement slip. The Appellant has tried to contend that the agricultural meter was removed in March 2017 and made PD, and was not replaced by a new meter, therefore, the entire readings and bills on this connection are fictitious. However, as mentioned earlier, had this connection actually been made PD, either the entire consumption would have fallen on the other connection 1132 which did not happen, or the actual consumption would have been zero during this entire period which also did not happen. Nor did the Appellant raise any grievance about no supply of electricity.

19. The Appellant further approached the Hon`ble High Court, Mumbai vide W. P. No. 9411 of 2021 in respect of the subject matter. The High Court by its order dated 06.05.2021 directed to deposit 50 % amount of Final Bill Assessment (i.e., Rs. 8,08,060/-) and to file the appeal before the Appellate Authority under Section 127 of the Act. The Appellant has paid Rs.8,08,060/- on 30.03.2022 and subsequently made appeal before the appropriate authority of Section 127 of the Act.

20. The Assistant Engineer further inspected the premises of the Appellant on 29.01.2021. During inspection, it was found that the Appellant has extended power supply of Consumer No.-1132 unauthorisedly on the portion of the said premises where normally power supply was fed by the Consumer No.-1221, which was permanently disconnected in 23.02.2018.

21. According to the Respondent, the Respondent revised the bill of PD Consumer No. -1221 for Rs.27,59,110/- and issued on 05.04.2022 as per direction of the Forum. Out of this, Rs.16,16,120/- is the amount of final assessment order as per Section 126 of the Act. Hence, the Appellant has to pay (27,59,110 - 16,16,120) Rs.11,42,990/-. The bill of residential consumer No.- 1132 was revised to Rs. 1,20,280/- as per the order of the Forum. Hence, the Appellant was requested to pay total amount of Rs. (11,42,990 +1,20,280) 12,63,270/-.


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22. As regards the recovery of arrears, it is necessary to check regulatory provision. Hence as per Section 2 (15) of the Act, the definition of the 'Consumer' states that

"consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

Regulation 12.5 of the Supply Code & SOP Regulations 2021 in the subject matter is quoted as below: -


"12.5 Any charge for 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 a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be."

The Appellant has two connections having Consumer No.- 1132 and No.1221. Both these connections are in the Appellant's name and in the same residential premises. The Hon'ble Madras High Court in Vijaya Laxmi Vs. Assistant Engineer in W.P. No. 6194 and 7950 of 2003 decided on 25th September 2003. The Hon'ble High Court held as under:

"Where any consumer having more than one service connection, defaults in payment of dues relating to any one of the service connections, the Board may cause other service connections in the name of the Appellant to be disconnected till all the arrears due for all the service connections are paid, notwithstanding the fact that the service connections are covered by separate agreements".

The Hon'ble Madhya Pradesh State Consumer Disputes Redressal Commission in M.P.Electricity Board Vs. Akhtar Bi in Appeal No. 188 of 2003 decided on 04.10.2004. The Hon'ble State Commission held as under:

"It will be thus seen that the licensee-Board is entitled to disconnect any electric supply line or other works, through which energy may be supplied and may discontinue the supply of the defaulter consumer until the amount due from him is paid off. Section 24 does not restrict power of the appellant-Board to invoke this provision only in respect of the electric connection for which the consumer has fallen into arrears. The words "any electric supply


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line" used in Section 24 makes it abundantly clear that a person having more than one supply lines may suffer disconnection of any or all those lines, if he falls into arrears in payment of dues in respect of any one or more such lines".

23. Considering the Judgements referred above, the Appellant has to pay the arrears of both the connections.


24. The Forum, by its Order dated 04.01.2022 has observed all these parameters in detail. Considering the payment aspect, the order of the Forum is modified as below.

- (a) The Respondent to recover the total arrears of PD connections (No. 010800001221 and No. 010800001132) without charging DPC and interest.
- (b) The Respondent to grant four equal monthly instalments for payment of the above. If these instalments are paid in time, no interest shall be levied.
- (c) The PD Consumers No. 010800001221 and No. 010800001132 be clubbed together, and Consumer No. 010800001221 be restored after payment of the above first instalment and giving an appropriate undertaking for paying balance instalments.
- (d) The Respondent has liberty to act as per Regulations if the Appellant fails to pay the instalments in time.
- (e) Compliance Report to be submitted within two months from the date of this order.

25. The secretariat of this office is directed to refund the amount of Rs.25000/- deposited by the Appellant by way of adjustment in the ensuing bills.

26. The secretariat of this office is directed to inform the SE Vasai to take review in this case regarding the procedural lapse in meter replacement and inform this office.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

