

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REPRESENTATION NO. 13 OF 2020

In the matter of billing

Bala Lakhandar Chaurasia. .... Appellant

V/s.

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

Appearances

For Appellant : 1. B. L. Chourasiya  
2. Kajal Chourasiya  
3. V. K. Vaze, Representative

For Respondent : A. S. Mirza, Addl.Executive Engineer

**Coram: Deepak Lad**

Date of Order: - 17<sup>th</sup> March 2020

ORDER

This Representation is filed on 20<sup>th</sup> January 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 19<sup>th</sup> November 2020 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan Zone (the Forum).



(Dilip Dumbre)  
Secretary

Electricity Ombudsman Mumbai



2. The Forum, by its order dated 19.11.2019 has partly allowed the grievance application No. 1951 of 2019-20. The operative part of the order is as below: -

“2) Licensee is directed to revise the disputed bill for two years as per section 56(2) without interest and DPC.

3) Consumer to pay this revised bill in six installments along with the current bill.”

3. Not satisfied with the order of the Forum, the Appellant filed this representation stating in brief as below: -

- (i) The Appellant, Shri Bala Lakhandar Chaurasia is a consumer (No.001940154894) from 15.06.2013 at Gala No.4, R. C. Industrial Estate, Wakhanpada, Waliv, Pelhar, Vasai.
- (ii) As per the bill, the Gala No. 4 was being used by his brother Rajendra Prasad Chaurasia.
- (iii) On 07.08.2018, the Respondent Flying Squad Vasai inspected the premises of Consumer No. 001940154894. During inspection, it was observed that the connection was used by his brother and noticed that the said connection was billed with MF One (1) instead of Two (2). The Respondent issued supplementary bill of Rs.6,52,380/- for the period from 15.06.2013 to 23.10.2018. Though the connection was in the name of the Appellant, the actual user is his brother Rajendraprasad Chaurasia. Hence, the arrears on account of application of wrong MF was with respect to the power consumed by Mr. Rajendraprasad Kalicharan Chaurasia.
- (iv) The Appellant filed the grievance application in the Forum on 26.09.2019 requesting to refrain the Respondent from disconnection of supply of other connections in the name of the Appellant and to revise the recovery of 64 months of Rs.6,52,380/- to 24 months as per Section 56(2) of the Electricity Act 2003 (the Act).




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Secretary

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- (v) The Forum has partly allowed the grievance application No.1951 of 2019-20 directing the Licensee to revise the disputed bill for two years as per Section 56(2) without interest and DPC.
- (vi) The Appellant raised the issue as to who should pay the bill, the actual user or the consumer in whose name the bill stands?
- (vii) The connection is in the name of the Appellant however, the electricity has been used by Rajendraprasad Chaurasia, who is using the electricity in Gala No. 4.
- (viii) The Appellant prays that the arrears which stands in the name of the Appellant be transferred in the name of Rajendrapasad Chaurasia, who is the occupier and owner of Gala No.4.
4. The Respondent filed its reply by its letter dated 7.08.2019 stating in brief as below: -
- (i) The Appellant, Shri Bala Lakhandar Chaurasia is a consumer (No.001940154894) from 15.06.2013 at Gala No.9 (previously known as Gala No.4), R. C. Industrial Estate, Wakhanpada, Waliv.
- (ii) On 10.08.2018, the Flying Squad Vasai inspected the premises of the Appellant. During inspection, it was observed that the Appellant was billed with Multiplying Factor (MF) One (1) instead of Two (2). Accordingly, supplementary bill of Rs.6,46,190/- for 77793 units was issued on 16.08.2018 to the Appellant towards assessment of MF recovery for the period of July 2013 to August 2018.
- (iii) The supply of the Appellant was disconnected on 04.09.2018. The above arrears were not paid by consumer therefore MSEDCL intimated consumer to pay the arrears and in case of failure, above arrears will be shifted on other live connection standing in his name.
- (iv) The Appellant, Bala Lakhandar Kalicharan Chaurasia applied for new electric supply at Gala No.9, R.C. Ind. Est., Wakanpada, Pelhar, Vasai. The supply was sanctioned to Bala Lakhandar Kalicharan Chaurasia, but before release of supply, it was noticed that the Appellant, Bala Lakhandar Chaurasia, is in arrears of the same premises for Consumer No.001940154894. Hence, the connection was not released. The Appellant was accordingly informed and asked to pay the arrears of

  
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old connection. Thereafter, the Appellant filed the grievance before the Forum vide grievance application No.1828 of 2018-19 which was rightly rejected by the Forum by its order dated 22.05.2019. Not satisfied with the order of the Forum, the Appellant filed the Representation No.144 of 2019 on 19.07.2019 before this Hon'ble Electricity Ombudsman. The Representation is rejected by order dated 28.08.2019.

- (v) There are many galas at the same premises. However, these galas are not properly numbered. The said connection (No.001940154894) was physically in the Gala where the Appellant has now applied for new connection indicating Gala No.9 however, this Gala was previously numbered as Gala No.4 and therefore, on the electricity bill it was properly reflected as Gala No.4. The Appellant has also admitted the consumption of electricity on the said Gala which is now numbered as Gala No.9.
- (vi) The said Gala i.e. currently Gala No.9 and erstwhile 4 was given on rent by the Appellant to Rajendraprasad Kalicharan Chaurasia vide Leave and Licence Agreement dated 06.09.2017 for 47 months. However, the Appellant never intimated the Respondent since it might have been an internal arrangement.
- (vii) The supplementary bill was issued to the Appellant who agreed to pay the same. However, it is understood that Rajendraprasad Kalicharan Chaurasia who was the user at that time refused to pay the same to the Appellant. Hence, the Appellant lodged a First Intimation Report (FIR) on 05.10.2018 having No.3278/2018 at Waliv Police Station against Rajendraprasad Kalicharan Chaurasia complaining that the electricity was consumed but arrears not paid by him at Gala No.9 and breach of the leave and licence agreement. It is clearly established that the said electricity connection was used in Gala 9 which was numbered 4 previously.
- (viii) There is no dispute that the premises in question had an old connection as stated earlier. It is also not disputed that the same has been permanently disconnected. The electricity connection of consumer No.001940154894 stands in name of Bala Lakhandar Chaurasia.
- (ix) The Respondent has also submitted the fact mentioned in para No.6 to 9 in Representation No.144 of 2019 which has been accepted by the Hon'ble Electricity

  
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Ombudsman. The same complainant is representing again with different facts in contrary to his previous submission. The electric connection vide Consumer No.001940154894 stands in name of Bala Lakhandar Chaurasia which is having outstanding arrears of Rs.2,99,240/- as per the order of the Forum. The Appellant filed case before the Forum for challenging the retrospective recovery of MF-2, in capacity of consumer and in the same grievance application trying to say that he was not responsible for payment of arrears being supply is used by his brother. The responsibility of payment of arrears between the brothers is a family matter and matter inter-se between them. The Forum, by its order dated 19.11.2019 has partly allowed the grievance application No. 1951 of 2019-20. The Forum has rightly addressed all issues and revised the assessment bill for 2 years as per Section 56(2) of the Act. In compliance of the said order, the Respondent has issued revised bill of Rs.2,99,240/- on 20.12.2019.

- (x) In view of above, the Respondent prays that the representation of the Appellant be rejected.

5. During the hearing on 27.02.2020, the Appellant and the Respondent argued in line with their written submissions. The Appellant argued that Chaurasia is a joint family having their own R.C. industrial estate consisting of 7 Galas. Out of these 7 Galas, 4 Galas are in the name of Rajendraprasad Chaurasia, the Appellant's real brother and the other 3 Galas are in the name of Bala Lakhandar Chaurasia, the Appellant. Rajendraprasad Chaurasia is the family head looking after their family business in the said industrial estate. In September 2016, there was partition in the family. At present, the Gala No. 4 is in possession of the Appellant's brother. The Appellant argued that the electricity was used by his brother, hence the revised electricity due as per the order of the Forum based on Section 56 (2) of the Act be transferred to the live connection in Gala No.4. If he does not pay the bill, the connection of the Gala No. 4 be disconnected.

6. The Respondent argued in the hearing that the same subject matter of the present representation is already decided by the Electricity Ombudsman (Mumbai) by its order dated 28.08.2019 in Representation No.144 of 2019. The Respondent has already submitted in its

  
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Secretary  
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written reply. On the contrary, the Appellant submitted his representation with a false declaration under Sr. 13 (b) of the Schedule B. The relevant portion of the Schedule B is reproduced below: -

*“(b) The subject matter of my / our representation has never been brought before the Office of the Electricity Ombudsman by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.”*

Hence, the Appellant has filed this representation with malafide intention and the Representation deems to be rejected with cost. Apart from this, the Respondent argued that the Appellant, on one hand, is praying for revision of bill under Section 56 (2) of the Act with the Forum as a consumer and after taking the benefit of the Forum’s order as a consumer, he is refusing to pay the revised bill. This is a dispute amongst the family members which should be resolved within themselves. Considering all these issues, the representation of the Appellant be rejected.


### **Analysis and Ruling**

7. I am of the firm opinion that the Appellant is trying to resolve the same issue which was once adjudicated by me in Representation No. 144 of 2019, the order of which was issued on 28.08.2019. This is a clear-cut case of ‘*res judicata*’ and the undersigned is not inclined to look into the issue. Moreover, Regulation 17.9 (d) of the CGRF Regulations has a similar provision which is reproduced below: -

*17.9 The Electricity Ombudsman shall not entertain a representation:  
(d) unless the Electricity Ombudsman is satisfied that the representation is not in respect of the same subject matter that has been settled by him in any previous proceedings.*

8. The representation is therefore dismissed.

Sd/-  
(Deepak Lad)  
Electricity Ombudsman (M)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

