

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 114 OF 2022

In the matter of outstanding dues of permanently disconnected consumer

Ajay Mansukhlal ShahAppellant

V/s.

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

Appearances:

Appellant : 1. Vinit Shah, Representative
2. Rajendra Shah, Representative

Respondent : 1. Gajendra Gadekar, Executive Engineer, Vasai
2. J. S. Phulpagare, Addl. Executive Engineer

Coram: Vandana Krishna (IAS)

Date of hearing : 8th December 2022

Date of Order : 6th January 2023

ORDER

This Representation was filed on 25th July 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 23rd June 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Vasai (the Forum).



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2. The Forum, by its order dated 23.06.2022 has disposed the grievance application in Case No. 38 of 2022. The Forum observed that the grievance is time barred as per Regulation 7.8 of CGRF & EO Regulations 2020.

3. The Appellant has filed this representation against the order of the Forum. The e-hearing was held on 08.12.2022 through Video Conference. Both parties were heard at length. Appellant's written submissions and arguments in brief are as below:

- a) The Appellant (Ajay Mansukhlal Shah) is a Commercial Consumer(No. 001610344671) from 17.06.1994 at flat No. 201, Poorvi Chambers, Vasai Road, Navghar, Vasai.
- b) There was one more LT Commercial Consumer (No. 001610344654) of Poorvi Builders which was being used for Flat No.101. The Users did not pay the outstanding amount of Rs. 4,10,950/-. Mistakenly, the address of this consumer on record was Flat No.201, Poorvi Builders instead of Flat No. 101. The said consumer was permanently disconnected by the Respondent in the year 2004 towards non-payment of outstanding dues of Rs. 4,10,950/- .
- c) As per IGRC order dated 18.08.2009 (**13 Years Ago**), the Additional Executive Engineer has failed to update the records and continues to raise the liability of Rs.4,10,950/- against Flat No. 201(Consumer No. 001610344671) of the Appellant, Ajay M. Shah & Daksha A. Shah.
- d) Despite knowing the above facts, the Additional Executive Engineer of the Respondent affixed a Demand Notice of Rs. 9,67,557/- on 11.12.2019 on the door of Flat No. 201.
- e) This action was embarrassing in view of the reputation among the Society. Being aware of the facts that this demand does not belong to Flat No. 201 of Appellant (Ajay M. Shah), the Additional Executive Engineer has failed to update the records since last 13 years. The office of Poorvi Builders is still in the same commercial complex. However, the Respondent did not recover these dues from Poorvi Builders till date.
- f) The Appellant approached IGRC in the year 2020 for non-updating of records and wrong demand raising against Flat No. 201. The IGRC had passed the order on



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04.03.2020. Even then, no records have been updated till date and the liability continues to be raised against Appellant.

- g) The Appellant had made a fresh application on 06.04.2022 to check whether the internal records are updated or not as per the IGRC orders, but it was surprised to see that in spite of orders passed by IGRC in 2009 and in 2020, the Respondent was negligent in performing their duties, and indulged in contempt of court, as records are not updated till date.
- h) The repetitive demand being raised against the Appellant, has caused mental harassment to the Appellant (senior citizen) from past 13 years. The Appellant again made an application before the Forum on 18.04.2022, and the Forum, by its order dated 23.06.2022 has disposed of the grievance application.
- i) In view of the above, the Appellant prays as below:
 - a) The Respondent be directed to resolve the issue at hand and update the internal records (Change of address of consumer No. 001610344654 & meter no. C 19659 having demand of 4,10,950/- from Flat No. 201 to Flat No. 101).
 - b) Take appropriate action against the appropriate authority of MSEDCL for not complying with the order of IGRC and engaging in contempt of Court.
 - c) Compensation of Rs. 1,50,000/- towards damages, hardships, and legal costs.

4. The Respondent filed its written reply dated 12.08.2022. Its written submission along with its arguments on 08.12.2022 is stated in brief as below: -

- (i) The Appellant (Ajay Mansukhlal Shah) is a commercial consumer (No. 001610344671) from 17.06.1994 at flat No. 201, Poorvi Chambers, Vasai Road, Navghar, Vasai.
- (ii) There was another LT commercial consumer (No. 001610344654) in the name of Poorvi Builders from 17.06.1994 at Flat No.201, Poorvi Builders, Poori, Near Bus Stop, Vasai Road, Navghar 401202. The said consumer was permanently disconnected on 21.04.2004, but there were outstanding arrears of Rs. 4,10,950/- against the said PD consumer. Both these connections are in the same building and having the same address as Flat No. 201. In other words, two connections were


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given for Flat No. 201, one in the name of Poorvi Builders, and the other in the name of the Appellant.

- (iii) The Appellant submitted his grievance on 18.04.2022 before the Forum **with a prayer to change the address of Consumer No.001610344654 (having outstanding arrears of Rs. 4,10,950/-) from Flat No. 201 to Flat No. 101.** The present grievance is raised for non-compliance of order of Internal Grievance Redressal Cell (IGRC) dated 18.08.2009 and dated 04.03.2020 respectively.
- (iv) The supply of the Appellant was disconnected inadvertently in the past due to address similarity. The Appellant approached the IGRC against disconnection of his supply (Consumer No. 001610344671) and requested to reconnect the supply, and further to change the address of this consumer No. 001610344654/ Poorvi Builders. **The IGRC passed the order on 18.08.2009 and made it clear in its order that the PD arrears of Rs.4,10,950/- is of Flat No. 101 and not of Flat No. 201. The order of IGRC has been complied with, and thereafter supply of the Appellant was reconnected and since then MSEDCL has never insisted that the Appellant has to pay the arrears of Consumer No. 001610344654.**
- (v) The Appellant again approached the IGRC in Jan.2020 with a similar prayer. The IGRC has passed order on 04.03.2020 and directed not to insist on the recovery of the arrears of consumer No. 001610344654 from the Appellant.
- (vi) The main issue raised in the present Representation is that, as the address of both consumers is the same in the records of Respondent, therefore the recovery notices generated through the system, though issued in the name of Consumer No. 001610344654 (M/S Poorvi Builders), are wrongly going to Flat No.201 of Appellant (Mr. Ajay Shah).
- (vii) The Respondent has complied with both the orders of IGRC dated 18.08.2009 and 04.03.2020 respectively. The Appellant did not file any grievance before the Forum against these orders. The notices are issued to M/s. Poorvi Builders, and not to the Appellant, for recovery of arrears of PD consumer No. 001610344654. Hence, the Appellant should not bother about it.
- (viii) The Respondent had tried to rectify the address of consumer No. 001610344654 (Poorvi Builders) in its record after IGRC order dated 04.03.2020 and made



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correspondence with IT and NC Portal designer of Corporate Office, but as the consumer is in PD status in the billing system, the address of a PD connection cannot be corrected due to the technical design of the programme.

- (ix) The Appellant in the present case has actually filed Grievance in respect of Consumer No. 001610344654 which does not stand in his name. The main prayer of the Appellant is not to recover the arrears of Consumer No. 001610344654 (Poorvi Builders) from him, as the issue has already been settled in IGRC orders. The Appellant has no *locus standi* to file this grievance for change of address of another PD connection Consumer No. 001610344654. The Appellant is not the consumer whose address is sought to be changed; therefore he is not entitled to file this grievance before the Forum.
- (x) Whether the present Grievance is time barred or not under the CGRF & EO Regulations 2020? The Regulation 7.8 of the CGRF & EO Regulations 2020 is reproduced as below:
- “Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”*
- The cause of action arose on 04.03.2020 (IGRC order). The period of two years for raising the grievance before the Forum expires on 04.03.2022 as per Regulation 7.8 of CGRF & EO Regulations 2020. However, he actually approached the Forum on 13.04.2022 which is beyond two years from the cause of action. Therefore, the Grievance is time barred and liable to be rejected.
- (xi) The Forum, by its order dated 23.06.2022 has disposed the grievance application in Case No. 38 of 2022 being time barred as per Regulation 7.8 of CGRF & EO Regulations 2020. The Forum has rightly addressed and considered all issues raised by the Appellant.
- (xii) In view of the above, the Respondent prays that the Representation of the Appellant be rejected.

Analysis and Ruling

5. Heard the parties and perused the documents on record. The Appellant (Ajay Mansukhlal Shah) is a commercial consumer (No. 001610344671) from 17.06.1994 at Flat No. 201, Poorvi


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Chambers, Vasai Road, Navghar, Vasai. The Appellant is regular in payment of his current bills.

6. There was another LT commercial consumer (No. 001610344654) in the name of Poorvi Builders from 17.06.1994 at the same Flat No.201, having address on bill as Poorvi Builders, Poori, Near Bus Stop, Vasai Road, Navghar 401202. The said consumer was permanently disconnected on 21.04.2004 for non-payment of outstanding dues of Rs. 4,10,950/-. Both these connections are in the same building and having the same address as Flat No. 201. The details are tabulated as below:

Consumer No.	Name	Date of Connection	Address on the bill
001610344671	Mr. Ajay M. Shah & Daksha A Shah	17.06.1994	Flat No. 201 , Purvi Chember, Navghar, Vasai (W), Vasai Rd (W) 401 202
001610344654	M/s. Poorvi Builders	17.06.1994	Poori, Near Bus Stop, Vasai Road, Navghar, Flat 201 , Navghar 401202

7. It is not clear how and why the Respondent has given two connections to two different parties in the same flat. During the hearing it came to light that Poorvi Builders still have their office in the same building in some other flats on the ground floor; yet it seems that the Respondent has not made any effort to recover the PD dues of Rs.9.67 lakhs from them. The Appellant contended that as per IGRC order dated 18.08.2009, the Additional Executive Engineer failed to update the records for correction of address of Poorvi Builders, and continues to raise the liability of Rs.4,10,950/- (or Rs.9.67 lakhs at present) against the Flat No. 201(Consumer No. 001610344671) of the Appellant. On 11.12.2019, the Respondent pasted the disconnection notice on the door of Flat No. 201 which caused embarrassment in view of the reputation of the Appellant in the society. The office of Poorvi Builders is in the same commercial complex. However, the Respondent did not recover the outstanding dues from Poorvi Builders till date. The Appellant approached IGRC again in the year 2020 for non-updating of records and wrongfully raising demand against Flat No. 201. The IGRC by its order dated 04.03.2020 directed to correct the records. Even then, no records have been updated till date, and the liability continues to be raised against the Appellant.



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8. The content of IGRC order dated 04.03.2020 is reproduced as below:

- “1) Grievance of the consumer is allowed.
- 2) The recovery of arrears of Rs. 4,10,950/- shall not be insisted from Mr. Ajay A Shah having consumer number 001610344671.
- 3) The appropriate action of recovery of arrears of Rs. 4,10,950/- of consumer number 001610344654 shall be initiated from Poorvi Builders.
- 4) Complainant may file its appeal to Consumer Grievance Redressal Forum at Kalyan Zone, Kalyan if they are not satisfied with the above order.”

9. During the hearing, the Respondent MSEDCL admitted that their records have wrongly captured the address of Poorvi Builders as Flat No. 201; yet they are unable to correct these records due to some technical reason, as the system does not accept address change of PD consumers. Also, they have raised a technical issue that the Appellant cannot pray for change of address of another consumer (even if it directly affects him).

Even so, this does not explain why the Respondent has not recovered the PD arrears from Poorvi Builders or not disconnected their supply, even though they have an office in the same building, and their arrears date back to at least April 2004. There seems to be some connivance or mischief here. The Respondent should take action against the employee who pasted the recovery notice on the door of Flat No. 201 mischievously.

10. The Appellant approached the Forum on 18.04.2022, which is about 1.5 months beyond two years as the cause of action arose on 04.03.2020 which expires on 04.03.2022, hence, the Respondent argued that grievance is time barred technically and not maintainable as per Regulation 7.8 of CGRF & EO Regulations 2020 which is quoted in Para 4(x). However, this is a relatively small delay and is therefore hereby condoned, considering the circumstances of the case.

11. As discussed above in detail, the Respondent contended that there is a technical limitation to change the address from Flat No. 201 to Flat No. 101 of Poorvi Builders, once the consumer is permanently disconnected, and no provision is available to enter this change into its sealed master data. Basically, the Respondent agreed with the grievance of the Appellant, but was unable to help due to this technical limitation. However, the Respondent assured that due care



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will be taken in future not to issue recovery orders against the Appellant for dues relating to Poorvi Builders.

12. The Respondent originally have given two connections to two different parties in the same Flat No. 201. This is the root cause of the present grievance, and goes against the basic policy of granting only one connection to one premises. The IGRC, by its order dated 04.03.2020 observed that the outstanding dues are that of the Poorvi Builders and not of the Appellant. The Respondent is supposed to recover these dues from the Poorvi Builders.

13. In view of above, I direct as under:

- (a) The Respondent to take prompt action for recovery of PD dues from the correct consumer, i.e., Poorvi Builders, so that the issue is resolved once and for all.
- (b) A cost of Rs.2000/- is imposed on the Respondent MSEDCL for wrongful and mischievous pasting of recovery order on the door of Flat No. 201. The Respondent in turn should recover these costs from the concerned employee and pay to the Appellant.
- (c) The Respondent is hereby restrained from issuing recovery notices (related to M/s. Poorvi Builders) against the Appellant. They are also restrained from pasting such recovery notices on the door of Flat No. 201.
- (d) The Respondent should examine and fix responsibility for originally giving two connections to two different parties in the same Flat No. 201.
- (e) Compliance to be reported within two months from the date of the order.

14. The secretariat of this office is directed to refund the amount of Rs.25000/- taken as deposit.

15. The representation is disposed of accordingly with cost.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)



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Secretary
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