



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/N/090/670 OF 2011-2012 OF
MRS. MEENA S. JADHAV, ULHASNAGAR REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT NEW CONNECTION .

Mrs. Meena S. Jadhav
Near Barrack No. 1166
Powai Chowk
Ulhasnagar – 421 003

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer Ulhasnagar
Sub-Division No. III

(Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The Complainant registered grievance with the Forum on 09/01/2012 for New Connection.

The details are as follows :

Name of the complainant :- Mrs. Meena S. Jadhav

Address: - As given in the title

Consumer No : -

Reason of dispute : New Connection

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/045 dated 09/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. K/N/090/670, dated 31/01/2012.
- 4) Hearing was held on 31/01/2012 @ 16.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Mrs. Meena Jadhav Consumer & Shri Kale Nodal Officer, Shri Panpatil, Asstt. Engr., Shri C. S. Damse, Dy. Ex. Engr. representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.
- 5) The brief facts of the case are as follows :
 - a) The complainant submitted that she is in lawful possession of the premises situated at Near Barrack No. 1166, Powai Chowk, Ulhasnagar – 421 003.

- b) The complainant further states that licensee had initially installed electricity meter under consumer No. 021510309836 at the above address in the name of Shri Laxman D. Jadhav.
- c) The licensee has permanently disconnected the electricity supply of the said premises in December 1999.
- d) The complainant further submitted that being a lawful occupier of the above referred premises, she approached the licensee and requested to release new connection to the said premises.
- e) The complainant states that showing the reason of outstanding amount of previous occupier Shri Laxman D. Jadhav, licensee asked her to pay the outstanding amount of Rs. 01,57,005.62 for releasing the electricity supply.
- 6) The complainant raised the dispute regarding outstanding amount of Rs. 01,57,005.62 and approached the Forum requesting to direct the licensee to release the new connection at above mentioned address.
- 7) Notice was issued to the licensee who appeared and submitted as under :
 - a) Electricity meter was installed under consumer No. 021510309836 at Near Barrack No. 1166, Powai Chowk, Ulhasnagar – 421 003 in the name of Shri Laxman D. Jadhav.
 - b) This meter was permanently disconnected for non payment of electricity bill amounting to Rs. 01,57,005.62 in December 1999.
 - c) Licensee further stated that as a part of compliance it had asked the complainant to pay the amount of outstanding bill and to fulfill other requirements for releasing electricity supply at the said premises.
 - d) Licensee further pleaded that it relied on Clause No. 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other

Conditions Of Supply) Regulations, 2005 for recovery of arrears emphasizing that the complainant being legal representative / heir of the previous owner / occupier is liable to pay the entire arrears.

- 8) The licensee therefore requested the Forum to direct the complainant to pay outstanding arrears Rs. 01,57,005.62 to the licensee towards electricity charges, so that her request of releasing new connection can be proceeded further.
- 9) After going through the submissions made by both the parties and the documents placed on record, our observations are :
 - a) The Tax receipt, affidavit etc. submitted by the complainant on record shows that she is in lawful possession of the above referred premises.
 - b) Electricity supply of the said premises was permanently disconnected in December 1999 for non payment of arrears.
 - c) The complainant has asked for release of new connection at the said premises which has an outstanding arrears of the previous owner / occupier.
 - d) The complainant has submitted that Shri Laxman D. Jadhav the previous owner / occupier of the said premises is her brother – in – law.
 - e) The complainant also agreed to the fact the meter installed at the above referred address belonged to Shri Laxman Jadhav and now premises is used for her residential purpose.
 - f) Inspection report on record dated 11/07/2011 and the CPL shows that the meter No. 323345 (consumer No. 021510309836) belonging to Shri Laxman Jadhav was faulty from July 1998 till September 1999 hence the benefit should be given to the complainant of the said premises as per

Clause 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 which reads as under :

“Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer’s bill shall be adjusted, **for a maximum period of three months prior to the month in which the dispute has arisen**, in accordance with the results of the test taken subject to furnishing the test report of the meter alongwith the assessed bill ;

Provided that.....

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.”

Licensee also is under obligation to debit the amount for the above said period as per Clause 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 and revise the outstanding amount accordingly.

- g) We do not find any attempt has been made by the licensee to recover the electricity charges in arrears from the date of disconnection of electricity till this date.
- h) We have also observed that in terms of Section 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 the total amount of electricity due to Distribution Licensee which remains unpaid by 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 ;

Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.”

- 10) Taking into consideration all the above points we are of the opinion that the arrears shown by licensee of Rs. 01,57,005.62 are highly unsustainable and licensee is under obligation to recover only legitimate amount as explained in para No. 9 (f) and 9 (h) of this order and issue a revised bill to the complainant. We therefore pass the following order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is directed to issue a revised bill to the complainant as explained in para No. 9 (f) and 9 (h) of this order within 30 days from the date of receipt of this order.
- 3) Licensee is directed to provide new connection to the premises of the complainant on receiving the payment of revised bill.

- 4) Licensee is directed to report the compliance within 45 days from the date of payment made by the complainant.
- 5) The Consumer can file representation against this decision with the Hon. Electricity 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”.

- 6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or 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”

Date : 27/02/2012

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan