



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/N/087/651 OF 2011-2012 OF SHRI SURESH SHETTY (HOTEL IMAGE), KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT ADDITIONAL LOAD .

Shri Suresh Shetty
Hotel Image
Ballaleshwar Apartment,
Galla No. 09, Murbad Road,
Kalyan (West) : 421 301

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Kalyan (West) Sub-Division - I

} (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 consumer is a L.T. consumer of the licensee. The Consumer is billed as per commercial tariff. Consumer registered grievance with the Forum on 28/11/2011 for Additional Load.

The details are as follows :

Name of the consumer :- Shri Suresh Shetty (Hotel Image)

Address: - As given in the title

Consumer No : - 020020804824

Reason of dispute : Additional Load

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/683 dated 28/11/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Sub-Dn.I/Kalyan(West)/2085, dated 15/12/2011.
- 4) A hearing was held on 20/12/2011 @ 15.00 hrs. The Member Secretary and Member of the Forum heard both the parties in the cabin of Nodal Officer, Kalyan Circle – I, Kalyan. Shri B. R. Mantry representative of the consumer, & Shri Rajendra Yedke Dy. Ex. Engr., Shri P. M. Deore Asstt. Engr., Shri Deshmukh Asstt. Acctt. 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 grievance application are as follows :
 - a) The consumer Shri Suresh D. Shetty having existing load of 40.80 KW had applied for 20.2 KW additional commercial power supply at Hotel Image, Ballaleshwar Apartment, Gala No. 09, Murbad Road, Kalyan (West) on 16/06/2011.
 - b) It is the contention of the consumer that licensee refused to release additional load supply to the said premises on the ground of P.D. arrears of the previous owner (having consumer No. 020020627574/4).
 - c) It is further stated that licensee has informed him that unless and until he pays the entire arrears of the previous owner (M/s. Sawant Construction) licensee will not release the additional load to him.
 - d) It is also submitted by the consumer that he is ready to pay the arrears of the previous owner for the last six months actual consumption bill prior to permanent disconnection as per MERC Supply Code Regulation 2005 Clause 10.5.
 - e) It is further pleaded by the consumer that he has approached I.G.R. Cell for his grievance but in vain.
- 6) The consumer therefore approached the Forum with the following prayers :
 - a) Directions be given to the licensee to release additional load within time period and compensation be given as per S.O.P.
- 7) Notice was issued to the licensee who appeared and submitted it's say. The licensee submitted as under :
 - a) Shri Suresh Shetty having consumer No. 020020804824 has applied for additional load at Hotel Image, Ballaleshwar Apartment, Gala No. 09, Murbad Road, Kalyan (West).

- b) It is further stated by the licensee that as per the application of the consumer the licensee conducted survey of the said premises and as per the survey / inspection report submitted by Junior Engineer Murbad Road Section, it is observed that there are arrears of Rs. 02,33,050/- of the previous owner M/s. Sawant Construction having consumer No. 020020627574/4
- c) It is also pleaded by the licensee that as per Electricity Supply Code Regulation 2005 Clause No. 10.5 – If the premises is transferred legally by the previous owner and if there are arrears / dues to the licensee on the said premises then it is binding on the transferee to repay the said amount.
- d) It is further contended by the licensee that if the said connection is P.D. for more than six months, then reconnection or new connection cannot be released on the said premises unless the entire arrears are repaid.
- e) It is further stated by the licensee that though the consumer by his letter dated 08/08/2011 informed licensee that he is ready to pay the arrears of the previous consumer for last six months, as per MERC Regulation 2005, however this Clause is applicable to the legal heirs only and the said consumer is liable to pay the entire amount of arrears with interest.
- 8) After going through the submissions made by both the parties and the documents placed on record, we have observed that :
 - a) The consumer has applied for additional load on 16/06/2011 at Hotel Image, Ballaleshwar Apartment, Gala No. 09, Murbad Road, Kalyan (West).
 - b) The licensee directed the consumer to pay the entire arrears of Rs. 02,33,050/- of the previous owner.

- c) Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations 2005 reads as under :

“Any charge for electricity or any sum other than a charge for electricity due to the 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 representative / successor 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 Dist. Licensee as due from such legal representatives or successor 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 the electricity supplied to such premises.”

- d) However, the licensee wrongly interpreted the said Clause stating that the liability to pay the entire arrears in case of transfer of connection lies on the said consumer. In fact as per Clause 10.5 the unpaid charges of the premises are transferred to the new owner and if the new owner is a legal heir, the entire unpaid charges are transferred to the legal heir but the licensee neither proved nor produced any document to show that Shri Shetty is the legal heir of previous owner i.e. M/s. Sawant Construction hence the consumer is not liable to pay the entire arrears of the previous owner.

- e) We therefore are of the view that as provided under said Regulation 10.5 the electricity charges in arrears has been made as a charge on the premises and would be transmitted to the new owner or occupier of the premises and the said liability **is restricted to the maximum period of six months of the unpaid charges for the electricity supplied to such premises.**
- f) Moreover the supply to the premises was permanently disconnected from December 2005.
- 9) Taking into consideration all the above observations we pass the following order :

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is hereby directed to recover electricity charges in arrears from the consumer only for a period of six months of unpaid charges preceding the month in which disconnection of electricity to the said premises took place.
- 3) On aforesaid compliances in respect of electricity charges and compliance of other documents, additional supply be provided to the consumer's premises in accordance with Law.
- 4) Compliance of this order be reported to the Forum within a period of 60 days from the date of receiving this order.

- 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 : 11/01/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan