

**Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IIInd flr. Pune-11**

**Case No. 01/2014**

**Date:- 25/2/2014**

**In the matter of**

Shri.Bafana Ranjeet Motilal,  
Pl.No.12, S.No.17,  
Dhanashree Co. Op. Hsg. Socy.,  
Erandawne, Pune-52.

**- Complainant**

**V/S**

The Executive Engineer,  
M.S.E.D.C.L.  
Kothrud Division,  
Pune.

**- Opponent**

**Quorum**

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

1. Shri. Ranjeet Motilal Bafana filed an application for supply of electricity on 18<sup>th</sup> July 2013. The said application was rejected on the ground that original owner of the Plot No.12, S.No.17, Dhanshree Co.Op.Hsg.Socy. has not paid the arrears of electricity to the amount of Rs.159327/-.(Rs.One Lakh Fifty Nine Thousand Three Hundred Twenty Seven Only) The M.S.E.D.C.L. insisted the complaint for payment of the said amount.
2. According to complainant he is not liable to pay the said amount as he has purchased the said plot after issuing the public notice in the news paper. He contended that the arrears due and payable by shri.S.N.Bapat against

- P.D. Connection in the year 2003 can be recovered from the said person. He is not liable to pay as per the provisions of M.E.R.C. ( Electricity supply code & Other conditions of supply) Regulations, 2005. He further submitted that there are no dues pending to the Distribution Licensee on the basis of receipt of final bill payment in the year 2003.
3. Complainant made grievance before M.S.E.D.C.L. officials from time to time, however no one paid heed to his requests. There after he moved to IGR Cell on 2.12.2013 however no relief was granted by IGRC.
  4. Being aggrieved by the decision of IGRC the complainant filed the application in "A" form praying for directing the utility to quash the old arrears & release the connection immediately with compensation as per Standard Of Performance for not releasing the connection within time.
  5. M.S.E.D.C.L. filed written statement on dt.4.2.2014 & denied the contents of the complaint. It is submitted that in Feb.2003 the consumer obtained the final bill of Rs.228170/- (Rs.Two Lakh Twenty Eight Thousand One Hundred Seventy only) & paid only Rs.800/-(Rs.Eight hundred only) against the said bill.
  6. The application of Electric supply was kept pending for non payment of final bill in respect of the said premises.
  7. M.S.E.D.C.L. further submitted that the CPL record since 1996 shows that the arrears of Rs.159327/- were due in respect of said premises. The electricity supply in the form of new connection cannot be given till the payment of P.D. arrears existing in respect of the premises. The payment of arrears is mandatory before release of electricity supply as per the rules.
  8. On pleadings of the parties the following points arise for our determination :
    - 1) Whether M.S.E.D.C.L.is justified to claim total arrears in the name of original owner Mr.Bapat in respect of P.D.connection done in 2003?
    - 2) What order?

9. Our findings are as :

- 1) In the negative
- 2) As per final order

### REASONS

10. Heard both sides. Perused documents produced on record by consumer & M.S.E.D.C.L. On perusal of the lease deed executed by Dhanshree Sahakari Griha Rachana Society in favour of complainant on 13<sup>th</sup> Aug.2012, it is evident that complainant has become the owner of plot bearing S.No.12 situated on S.No.17, Erandawane, Pune. He purchased the said property from the Housing Society. We have perused the CPL report produced on record. As per the CPL Shri.Subhash Narayan Bapat is liable to pay the arrears as claimed by M.S.E.D.C.L. in the written statement. We have not noticed in the document executed by Society in favour of complainant the name of Shri.Bapat. However it appears that the electricity arrears to the tune of Rs.159330/- were due & payable by Shri.Bapat. The record further shows that the said arrears are in respect of premises which is purchased by the complainant.

11. As per the legal position the bills are required to be charged as per the provisions of electricity act -2003 as well as per the provisions of rules framed there under by MERC. The relevant provisions of MERC (Electricity supply code & Other conditions of supply) Regulation-2005 are reproduced below for consideration.

Section 10.5 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 :

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.

12. Mr.Suhas Desai argued that as per Regulation 10.5 M.S.E.D.C.L. is entitled to recover arrears of previous occupier of the premises limited to 6 months. The representative of M.S.E.D.C.L. submitted that the total arrears was Rs.228000/- & the same was reduced to Rs.159000/- by giving necessary corrections at the time of asking the complainant to pay the arrears. As per the law the consumer is liable to pay the arrears of the premises limited to 6 months.
13. Mr.Suhas Desai submitted that M.S.E.D.C.L. failed to give electricity connections within the period described in MERC (Standard of Performance Regulation-2005). We have considered the submission of both sides. In para D of Complaint A consumer averred that it confirmed that there are no dues pending to the Distribution Licensee on the basis of receipt of final bill payment in the year 2003. Complainant has not produced on record any documents to substantiate the contention in Para-D. The record shows that M.S.E.D.C.L. immediately after receipt of the application on 18<sup>th</sup> July 2013 sent the application for further action before superior officers & as it revealed that there were arrears the said application was not considered on time & complainant was directed to pay orally from time to time & also in writing for payment of the said

amount. As there was bonafide issue it cannot be said that M.S.E.D.C.L. failed to give supply as per the SOP Regulations.

14. As during the pendency of this case we have passed interim order directing M.S.E.D.C.L. to given electricity supply to the complainant no further order is necessary. The Electricity supply given on the basis of the order on temporary injunction application shall be continued.

15. In the result we pass the following order :

### **ORDER**

- 1) M.S.E.D.C.L. is directed to calculate the arrears as per the provisions of Section-10.5.
- 2) The Complainant shall pay the said amount within a period of 30 days.
- 3) No order to cost.

N.S.Prasad,  
Member/Secretary

Suryakant Pathak  
Member Chair

S.D.Madake  
Person

Date: 25/02/2014