

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

Case No. 05/2014

Date: 29/05/2014

In the matter of

Mrs.Meena Dnyaneshwar Kaplane,
Fl.No.22, S.No.14/6, Sangam Appart,
Vithalnagar, Wadgaon, Pune-41.

- Complainant

V/S

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

- Opponent

Quorum

Chair Person

Shri.S.D.Madake

Member/Secretary,

Shri.N.S.Prasad

Member

Shri.Suryakant Pathak

1. Mrs.Meena D,Kaplane is consumer of M.S.E.D.C.L. vide Consumer No.170570018895 since 20.10.2011.
2. Complainant Meena Kaplane and Mr.Dnyaneshwar Kaplane purchased two Flats on 12.1.2000 at Sangam Apartment, Anandnagar, Sinhagad Road, Pune. The Flat No.18 was in the name of Dnyaneshwar Kaplane and Flat No.22 was in the name of complainant.
3. According to complainant both flats were adjacent therefore only one connection was taken for flat No.18 and both of them opted not to take connection for Flat No.22.
4. Complainant for the first time applied to M.S.E.D.C.L. for electricity supply in Oct.2011 and has taken separate connection and pays the electricity bill regularly as per consumption.

5. Complainant contended that M.S.E.D.C.L. has issued notice for the recovery of bill of Rs.13980/- (Rs. Thirteen Thousand Nine Hundred and Eighty only) in respect of Consumer No.170440280041 in the name of Kishor Trimbak Joshi in respect of Flat No.22.
6. The complainant submitted that M.S.E.D.C.L. be directed not to recover the electricity bill which is not utilized by her. The act of M.S.E.D.C.L. to issue supplementary bills after 13 years is deficiency in service.
7. Dy.Ex.Engineer, Wadgaon-Dhayari Sub-division filed say on 24.3.2014. According to him, in pursuance of Circular No.19021 dated 6.6.2013 issued by M.S.E.D.C.L. the work of permanent disconnection arrears verification was commenced in Vithalnagar area. It is submitted that on 11.11.2013 it was revealed that one electricity connection was taken in the name of Kishor Trimbak Joshi vide Consumer No.170440280041 and it was further noticed that the said Flat No.22 is owned by complainant.
8. M.S.E.D.C.L. further contended that on the basis of information on 20.11.2013 M.S.E.D.C.L. issued notice to complainant for payment and it was informed that said bill will be included in the bills issued to consumer No.170570018895 in the name of complainant.
9. M.S.E.D.C.L., Dy.Ex.Engineer submitted that, as complainant is owner of Flat No.22, she is liable to pay P.D.arrears to the amount of Rs.13980/- (Rs.Thirteen Thousand Nine hundred eighty only),
10. On the basis of above submissions the following points arise for determination?
 - I) Whether the Complainant is liable to pay Rs.13980/- to M.S.E.D.C.L.?
 - II) What Order?
11. Our findings are :
 - i) In the Negative
 - ii) As per Final Order

REASONS

12. Complainant filed on record notice of M.S.E.D.C.L. dated 20.11.2013 the written requests made by her on 27.12.2013 and 1st Jan.2014, copy of order of I.G.R.C. dated 11.2.2014 electricity bill dated 28.10.13 in the name of Joshi Kishor Trimbak for Rs.13980/- bill for consumer No.170440280041, bill dated 29.10.2013 in the name of Meena Kaplane for Rs.70/- bill dated 24.11.2011 for Rs.250/- bill dated 23.10.2000 in the name of Dnyaneshwar Kaplane and a letter addressed to forum dated 8.3.2014.
13. M.S.E.D.C.L. filed on record permanent disconnection bill in the name of Joshi Kishor Trimbak dated 28.10.2013, CPL in the name of Joshi Kishor Trimbak and copy of Index-II.
14. On careful perusal of the documents it is evident that Meena Kaplane purchased flat No.22 from Kishor Trimbak Joshi on 12th Jan.2000. She applied for electricity supply to opponent in 2011 and supply was given as per application. There is nothing on record to show that M.S.E.D.C.L. demanded any arrear bills, while releasing supply in 2011 M.S.E.D.C.L. issued bill in the name of Kishor Joshi on 28.10.2013 for Rs.13980/-.
15. The record shows that though bill is issued in the name of Mr.Kishor Joshi on 28.10.2013, Complainant is directed to pay the said bill within seven days vide notice dated 20.11.2013. This is not just and proper as M.S.E.D.C.L. is entitle to recover the electricity bill from the consumer who utilized the electricity. It appears that electricity supply was given to Mr.Kishor Joshi even after the sale of flat to complainant in Jan.2000. The record C.P.L. shows that supply was given in respect of Flat No.22, to Mr.Kishor Joshi in April-2000. The record further shows that said supply was permanently disconnected in the year 2004.
16. The act of M.S.E.D.C.L. to direct complainant to pay the permanent disconnection bill is not legal. The complainant is not under an obligation to

pay the electricity bill for Rs.13980/- which is in the name of Mr.Kishor Joshi. It is utmost important to find out the persons who are responsible for causing wrongful loss to Mrs.Meena Kaplane as well as to utility.

17. M.S.E.D.C.L. officials are under a duty to recover the legally recoverable bill from the persons, who actually availed the electricity supply, by making an application for the same. Opponent is not entitle to recover the said amount from complainant.

18. M.S.E.D.C.L. is at liberty to take steps for recovery of electricity bill, and save the utility from its wrongful loss.

19. In the result, we pass the following order :

: ORDER :

1. M.S.E.D.C.L. is entitle to recover the amount of Rs.13890/- from Kishor Joshi as per the electricity bill dated 28.10.2013.
2. M.S.E.D.C.L. is directed not to act as per notice dated 20.11.2013.
3. Notice dated 20.11.2013 is set aside.
4. No order as to cost.

N.S.Prasad,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 29/05/2014

