

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

Case No.09/2012

Date: 21/05/2012

**In the matter of
Shri.B.C.Patil**

- Complainant

V/S

M.S.E.D.C.L. Shivajinagar Division

- Opponent

Quorum

Chair Person

Mr. S.D.Madake

Member/Secretary

Mr. L.G.Sagajkar

Member

Mr. Suryakant Pathak

- 1) The facts giving rise to present case as pleaded by Shri. Bhaskar Chudaman Patil, R/O of Shivalay Hos.Socy. Sus Road, Pashan Pune-21 purchased the property belonging to Shri. Bhogaram Patel in auction sale from Bank. The said connection was in the name of M/s. Shivam Construction with consumer No.160220405254 of Ganeshkhind sub division. After purchasing the said flat on dt.12/08/2011, the complainant applied for new connection on dt.13/09/2011. Consumer's request for new connection was denied due to arrears of previous owner. The complainant approached to Internal Grievance Redressal Cell (IGRC) for dispute of excessive bill of previous owner of Rs.29,550/- and new connection on his name, but IGRC rejected the grievance and directed to pay all bills with installment as per director operation letter NO.24156 dt.18/07/2009.

- 2) The complainant approached to this forum contending that he purchased property in auction sale and at the time of auction sale the opponent did not raise any objection and prayed for issue of bill from 12/08/2011 i.e. possession of flat.
- 3) The respondent submitted their point wise say as under.
 - 1) The said flat NO. 5 has been purchased by Shri. Bhogaram Patel from Developer M/s. Shivam Construction in 2001 on dt.12/08/2011 Shri.Bhaskar Chudaman Patil purchased the said flat in auction sale from Bank. There after applied for new connection but respondent denied vide letter NO. 1651 dt.20/10/2011 as the connection has already been in existence.
 - 2) A new connection was given to the said flat on dt.30/04/2001 and section engineer, Sus road submitted all documents for billing as consumer No.160220220351 was allotted to him. But bills were not issued up to Oct-2011.In Oct.-2011 new consumer No. is given and bills issued for 4905 units for Rs.31,216/- which was bifurcated for 130 months and issued bill of Rs.29,550/-
 - 3) As the bill of Rs.29,550/- was not paid by the complainant the electric supply was temporarily disconnection in Feb-2012
 - 4) As per agreement from G.I.C. Housing Finance Corporation in Aug-2011 the complainant is liable to pay arrears of previous owner.
- 4) On the date of hearing Shri. Patil, on behalf of complainant contended that he pursued with the respondent for electricity bills which was never received after possession of flat by him. He prayed for compensation for frequent disconnection of electricity supply by opponent.

- 5) Shri. Jadhav, Dy.Ex.Engr. Ganeshkhind S/Dn. On behalf of respondent contended that the bills issued are correct and also read the written statement submitted by him. He also agreed that disconnection is carried out for non payment of this but reconnection is also immediately done after payment of installment amount. Heard both sides the position is that consumer purchased flat in Aug-2011. He applied for connection in sept-2011. The question is to what extent he is liable to pay electricity charges in the name of previous owner
- 6) The consumer received bill of Rs.29,550/- in the month of Oct-2011. Here the provision of regulation 10.5 of MERC Regulation shall apply. We reproduce the said regulation for ready reference.

"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 representative/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:

In view of this legal position, it is necessary to direct opponent to charge electricity charges for a period of six months preceding to Aug-2011 i.e. from the date of purchase and possession of flat. The consumer will pay the regular bills from the date of possession i.e. Aug-2011.

In view of above the forum is of the view to order for recovery of arrears as per Reg. 10.5 and reasonable compensation of Rs.500/- for illegal disconnection of electricity. Hence following order.

ORDER

- 1) On making payment of last six months electricity bills preceding the date of possession of flat and making other compliance which is required for new connection/change of name by the complainant , the opponent to make supply of electricity to the complainants flat on his name.
- 2) The opponent is directed to pay compensation of Rs. 500/- for illegal disconnection and shall be adjusted in subsequent bill.
- 3) The opponent to report compliance of this order within one month from the date of this order.

Mr.L.G.Sagajkar
Member/Secretary

Mr.Suryakant Pathak
Member

Mr.S.D.Madake
Chair person

Date: 21/05/2012