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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg,Bhandup (W),  
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/1011

Date: 26.02.2019

**Hearing Date 23/05/2018**

**CASE NO.76/2018/**

**In the matter of refund of tariff difference amount with interest**

Mr. Pravin D. Thakkar,  
H.No.425/Asshok Nagar,  
Bldg. No.B/2,  
Office No.219,2nd floor,  
Kalyan Road,Bhiwandi-421302.

..... (Hereinafter referred as Applicant)

Vs

Maharashtra state Electricity Distribution Company Ltd  
Through its Nodal Officer,  
Bhiwandi Circle,Bhiwandi

..... (Hereinafter referred as Respondent)

Appearance

For Consumer :- Pravin Thakkar

Representative For Respondent :- Shri. Beloskar 1 Executive Engineer , MSEDCL  
Bhiwandi.

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member Secretary and  
Sharmila Ranade - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with subsection 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Here in after referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.
2. He has submitted that he is having single Phase L.T connection for the commercial (office) purpose LIIC Category. He further submits that the said premise was purchased by Harsh. N.Kewani from Ashoka Builder, subsequently, said property was purchased by him. He stated that he contacted TPL Bhiwandi for the change of new connection or name changed? in the said premises and who have said this service connection has arrears of MSEDCL. As such cannot entertain you application until the arrears/due is not cleared/paid.
3. He referred procedure and Regulation Change of name 10 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005
4. He further states that he has not used any single unit of MSEDCL and so not liable pay MSEDCL old arrears.

5. The notice issued to the Respondent to submit Para wise reply and to appear before forum for the detail submission. The Respondent submit that the applicant Shri. Pravin Dalpatbahi Thakkar represented that the service no13010843299 in the name of M/s Ashok Properties having MSEDCL arrears of Rs. 7150/- as per the bill of DEC 2017.The Applicant requested to provide bill of MSEDCL arrears 6 months period as per section 10.5 of MERC( Electricity Supply code and other conditions of supply Regulation 2005.
6. The Respondent further submits since January 2007, the electricity distribution and billing in Bhiwandi has been handed over to M/s Torrent power Limited (TPL).
7. The connection bearing consumer no. 13010843299 is in the name of Ashok Properties. The Applicant initially submitted application in IGRC stating that he submits application for change of name in M/s TPL. On enquiry to the M/s TPL office confirmed that applicant not produce documentary evidence in support of his ownership and change of name reason not mention. Initially, arrears of consumer were Rs. 2000/- in 2007.
8. The Respondent prayed that application is liable to be rejected under Regulation 6.9(a) of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman Regulation which stipulates that 'Forum may reject the Grievance at any stage it if appears to it that Grievance is frivolous, Vexations, malafide.
9. Heard both parties and on going through submission of both parties and documentary evidences on record. It is admitted fact that there are MSEDCL arrears on the connection bearing no13010843299 which is continuously shown in the bill by M/s Torrent power Limit. The Applicant on other side argued that the said premises purchased Haresh B. Kewani from Ashok Builder then applicant purchased it from Kewani.
- 10.The dispute arose when applicant submitd application for change of name and applied for new electricity connection. The applicant submits that they denied

- doing so saying that there are arrears on connection. Whereas the Respondent submit the applicant not submitted document evidence to support of his ownership
- 11.As per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 the procedure for the change of name given under Regulation 10
- 12.10.1 A connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership or occupancy of the premises, upon application for change of name by the new owner or occupier: Provided that such change of name shall not entitle the applicant to require shifting of the connection to a new premises.
- 13.10.2 The application for change of name shall be accompanied by such charges as are required under the approved schedule of charges of the Distribution Licensee.
- 14.10.3 The application under Regulation 10.2 shall be accompanied by: (i) consent letter of the transferor for transfer of connection in the name of transferee; (ii) in the absence of a consent letter, any one of the following documents in respect of the premises: (a) proof of ownership of premises; (b) in case of partition, the partition deed; (c) registered deed; or (d) succession certificate; (iii) photocopy of licence / permission with respect to the purpose for which electricity is being supplied to the premises, if required by statute; 14\_MERC\_Supply Code\_Eng 15 (iv) processing fee or receipt thereof.
- 15.10.4 The Distribution Licensee shall communicate the decision on change of name to the consumer within the second billing cycle from the date of application for change of name: Provided where the Distribution Licensee disallows or refuses to the change of name, it shall do so after affording the consumer concerned a reasonable opportunity of being heard in the matter: Provided further that the Distribution Licensee shall communicate the reasons of refusal in writing to the consumer.

- 16.10.5 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.
17. In this case applicant submitted the agreement for sale between Asoka properties and Raju B. Keshani for office no219 on 2<sup>nd</sup> floor in the “A” The applicant submitted the application for change of name in his own name also other documents from Bhiwandi Nizampur city Mahanagarpalika, Bhiwani which show property no 425/0 which parched from Jogani and Mehta.
18. From above documents it is clear that there is no relation between the applicants and the person having electricity connection. No other documents require submitted by applicant for change of name as per commercial circular no 126 date 300 Oct 2018. The Applicant prayed for imposing 10.5 (MERC Electricity Supply Code and Other Conditions of Supply) on Respondent and are ready for payment of six month recovery for change of name or new electricity connection Regulations, 2005 but as per above fact there is no need to go further in merit, Hence I proceed to pass following order

### **ORDER**

The application 76/2018 hereby dismissed.

No order as to cost

**I Agree/Disagree**

**I Agree/Disagree**

**MRS. SHARMILA RANADE,  
MEMBER  
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL  
CHAIRPERSON  
CGRF, BHANDUP**

**RAVINDRA S. AVHAD  
MEMBER SECRETARY  
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

**Note:**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. " Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non-compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission ( consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-  
  
"Maharashtra Electricity Regulatory Commission, 13<sup>th</sup> floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05"
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.