

of 90,200/- towards advance margin through NEFT. Though the letter was issued to the complainant seeking token however the receipt issued in the name of M/S Ravi Spinning Pvt. Ltd, the defaulter. It is alleged that proposal was sent to the Chief Engineer (Commercial) who has accorded approval without taking in to consideration about proposal of new owner/prospective consumer. The complainant disputed the said approval vide letter dt. 07.05.2016. That the Head Office of the N.A. has not taken in the account proposal of new owner consumer as provided in supply code-2005 but under assumption of giving of proposal by existing consumer, thereby unlawful demand has been made, that too, not from the complainant but in the name of M/S Ravi Spinning Ltd.

2. It is alleged that after approaching IGRC Akola though it was pointed out that the complainant is new owner of the premises as well as giving of details of last six energy bills out of which only 3 bills are in arrears prior to P.D. amounting to Rs. 3,72,697.88. The Superintending Engineer Akola sought advice from Chief Engineer (Commercial). Reference has been made to regulation 10.5 and alleged that the liability against the complainant is restricted to payment of arrears after making of adjustment of Security deposit and alleged that it comes to Rs. 65997.88 and the complainant has already paid Rs. 90,200/-. Thereby the net liability of payment for getting connection comes to Rs. 24202.12 and the complainant has already paid Rs, 90,200/- . According to the complainant internal circular of the N.A. cannot overcome, the regulations referred to above and sought the reliefs prayed for. Alongwith the complaint bunch of documents have been filed.

3. After receiving the notice of this forum the N.A. submitted reply wherein most of the facts are not in dispute including that of submission of application of connection of 5 KW for commercial line on 10.05.2016 by the complainant. Reference has been made to letter dt. 01.10.2015 of Superintending Engineer Akola, so also letter dt.02.12.2015 of Chief Engineer (Commercial) and giving of no consent by the complainant for one time settlement. It is stated that after receiving letter of complainant for demand note as per SOP regulation 10.5, The Superintending Engineer Akola has sent letter dt. 29.06.2016 to Head Office

seeking guidance. The IGRC Akola has passed the order on the grievance made by the complainant and so the application is kept pending. The electric connection will be provided immediately upon making of payment of arrears, so also awaiting decision of the Head Office on the proposal sent by S.E. Akola & lastly stated that there is no contravention of SOP regulation, hence the demand by the complainant is incorrect. Alongwith reply copies of some documents have been filed.

4. Heard Shri Ashish Chandarana and Shri. P.R.Ghorude, Add. Ex.Engineer, the learned representatives for the parties. On going through the record as well as submission made on behalf of the parties, it is clear that the complainant has purchased the premises from SICOM. There was earlier other consumer in whose name there were arrears of electricity charges. The said connection was P.D. by the N.A. in view of arrears against the erstwhile owner (M/S Ravi Spinning Pvt.Ltd). Admittedly the present complainant has no concern with said M/S Ravi Spinning Pvt.Ltd. As the complainant is in need of electric connection made enquiry with the office of the N.A. & as directed submitted application dt. 04.09.2015, so also deposited Rs. 90,200/- . It is pertinent to note that though the complainant has paid Rs.90,200/- however the N.A. has issued receipt dt.03.10.2015 in the name of M/S Ravi Spinning Pvt. Ltd., the earlier defaulter. From the record it is also clear that the proposal was sent by the N.A. in the name of M/S Ravi Spinning Pvt.Ltd and Chief Engineer (Commercial) has granted approval vide letter dt. 02.12.2015 referring M/S Ravi Spinning Pvt.Ltd. On seeing that the N.A. is not acting as per regulation more particularly 10.5 SOP MERC regulation-2005, approach has been made to IGRC, as nothing was done in spite letter dt. 07.05.2016.

5. It seems IGRC Akola did not look In to the provisions of Regulation concerned and as per reply of the N.A. before it, passed order to take further steps after receiving instructions of the Head Office. This is not contemplated under the regulations. The role of IGRC Akola is to try to resolve the grievance of the consumer as laid down in the Regulation. It is not expected as per provision of the regulations that the IGRC Akola to

direct the parties to wait for uncertain period, and that too at the mercy of one of the parties concerned. It has not at all gone through MERC regulation-2005 more particularly regulation 10.5 with proviso thereof. As per said proviso in case of transfer of electric connection to other than legal heir of the earlier owner defaulter, the liability is restricted to maximum period of 6 months of the unpaid charges of electricity on such premises. The complainant has also referred to and relied upon judgement of our own Hon. High Court in W.P. No. 9906 of 2010 in the matter of M/s. Namco Industries Pvt Ltd. Vrs State Maharashtra dealing with similar type of matter and upon considering regulation 10.5, has given the ruling, which is squarely applicable to the present case. It is also binding on the N.A. In spite clear cut provision under MERC Regulation, the N.A. did not follow the same & making lame excuses. In spite specific demand for issuing of demand note by letter dt. 07.05.2016 by the complainant, the N.A. has not taken steps but sent letter dt. 29.06.2016 to Chief Engineer (Commercial) alongwith the details of amount of 6 months prior to disconnection as Rs. 3,72,697.88, so also given details thereof, in tabular form. It is an admitted position that the complainant has paid Rs.90,200/- vide receipt dt. 03.10.2015 as referred to above, however receipt thereof has been wrongly issued in name of M/S Ravi Spinning Pvt. Ltd, so also the proposal was sent in the name of M/S Ravi Spinning Pvt. Ltd and not in the name of complainant as New consumer (New owner/occupier of the premises) . Had this mistake would not have been committed, the further complications would not have arisen. As per regulation 10.5 liability for such new consumer/owner is restricted to 6 months period. As per details given by the N.A. referred to above, such outstanding is Rs.3,72,697.88, out of which Rs. 90,200/- is already paid by the complainant. So as per regulations the balance amount to be paid by the complainant comes to Rs.2,82,497.88. The complainant is seeking demand note. for getting connection earlier. In view of the provisions as well as the judgement of the Bombay High Court referred to above, the N.A. needs to issue demand note of 2,82,498/- to the complainant immediately & upon making payment thereof by the complainant, the N.A. to provide electric connection within stipulated period of 3 months.

6. Though the complainant has also sought SOP compensation for delay in issuing demand note, however the Learned representative of the complainant has also fairly submitted that the complainant is not keen in getting SOP compensation but is in need of electric connection urgently, as huge investment has been made. But for want of electric Supply, nothing can be done. This forum thinks that it is fair & reasonable approach of the complainant and N.A. to make compliances at the earliest, so that after providing electric connection there will be additional source of revenue through energy bills. Needless to say that, if the N.A. fails to make compliances then the liability of SOP compensation to follow as per regulations. With such observations this forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint no. 18/2016 is hereby partly allowed.
2. The N.A is directed to issue demand note for Rs.2,82,498/-(Rs.3,72,697.88 outstanding, out of which Rs.90,200/- already paid by the complainant) to the complainant immediately and after receiving such payment to provide electric connection within stipulated period of 3 months, else liable to pay SOP compensation as per MERC regulation 2014.
3. In the circumstances no order as to cost.

4. That the compliance report to be submitted within period of one month from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
Chairman

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKLZ/ Akola/ 126

Dt. 25.08.2016.

TO,
The Nodal Officer,
Executive Engineer
MSEDCL, Urban Division, Akola.

The order passed on 25/08/2016 in the Complaint No. 18/2016, is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Amravati Zone, Amravati

Copy fwc to:

1. The Superintending Engineer, O&M Circle, MSEDCL, Akola.
2. Shri Sai Distribution Hub (I) Pvt. Ltd.
C/o Ashish Subhash Chandarana , Samudra Vihar Apartment,
Near Datta Mandir Ramdas peth ,Akola.

R.A.Ramteke
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
Chairman