

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AMRAVATI.**

“ Vidyut Bhavan” Shivaji Nagar, Amravati, Amravati : 444603 Tel No 0721
.2551158

Order

Dt 30/12/2017

Complaint No._18_ / 2017

**In the matter of grievance pertaining to old P.D. Arrears on premises
and billing thereof**

Quorum

**Dr. Shri Visharm Bapat, Chairman
Shri D.B. Mohod, Member/ Secretary
Sau. Sushama Joshi, Member (CPO)**

In the matter of

M/S Gharrkul Industries Pvt.Ltd. :-
At – Plot No. C-42, MIDC, Amravati
Distt.- Amravati
Consumer No:-LT- 366478308153

Complainant

.....Vs.....

The Executive Engineer MSEDCL, :-
Urban Division, Amravati.

Respondent

Appearances :

Complainant Representative :- Shri. Ashish Subhash Chandarana

Respondent Representative :- Shri. S.M. Shrungare

Additional Executive Engineer,
Amravati Ulll Subdivision

The complainant has filed the instant complaint before this Forum against the MSEDCL for the issuance of notice U/S 56 of Electricity Act 2003 and a demand note of ₹ 556801.00/- and an ultimatum for disconnection of the supply if the complainant fails to pay the said demand. Being aggrieved by such demand note, the complainant has been constrained to file his grievance before this forum.

The facts in brief of the complaint are as follows.

- 1) That the complainant is an industrial consumer of MSEDCL having load sanctioned of 70 HP (Annexure A-2) and who applied for the same on 27/08/2013 and the connection was sanctioned by MSEDCL on 30/08/2013 (Annexure A-3). The complainant applied for the connection by signing the pre-printed form of MSEDCL and MSEDCL issued fresh load sanction letter cum demand note dtd.30/08/2013 of Rs. 79,100/- and accordingly the complainant paid the said demand (Annexure-A3). The MSEDCL released the new connection on Dt.01.04.2014.
- 2) The complainant has received a letter from MSEDCL dt.24/03/17 (Annexure A-5) about the recovery of arrears according to regulation No. 10.5 of MERC (Electricity Supply Code and other Conditions of supply) Regulations, 2005 without disclosing the amount of arrears. There after the complainant have been receiving regular energy bills without mention of arrears.
- 3) On 25/4/2017 the complainant received letter from MSEDCL dt. 25/4/2017 for demand of arrears on the plot No.C-42 to the tune of ₹ 568801/- along with regular energy bills dt 18/4/2017. On 18/5/2017 complainant received energy bill for month of May 17 with ₹ 568801.00 showing the arrears since 1999.

- 4) The complainant protested the bill dt. 18/5/2017 vide letter dt 23/5/2017 & 26/5/2017 and requested to give him regular energy bills but MSEDCL failed to give satisfactory reply and informed the complainant vide letter dt. 13/06/2017 that there are the arrears of M/S Prudential PolyWeb, plot No. C-42, MIDC, Amravati of ₹ 16,25,414.20 and out of which the complainant was asked to pay ₹ 5,68,801.00.
- 5) The complainant is paying regular current bills which are enclosed along with the present complaint.
- 6) The complainant have purchased the property from SICOM and under free hold condition and therefore MSEDCL have no right to claim any encumbrances against free hold land purchased.
- 7) The complainant submits that as per regulation 10.5 of MERC (Electricity supply code and other conditions of supply) Regulations, 2005, the MSEDCL can not release the connection without recovery of past arrears. And complainant further submits that even if there were any past arrears the same could have been recovered at the time of release of connection. The MSEDCL cannot recover after 3 and half years of sanctioning connection.
- 8) Under such circumstances consumer prays
 - i. to stay the disconnection notice issued by MSEDCL till the pendency of present complaint.
 - ii. To set aside the demand of past arrears from the applicant.
 - iii. Any other relief which Hon'ble CGRF may deem fit including cost.
- 9) The complainant has filed the present complaint on 26/9/2017 and applied for interim stay for execution of the demand notice Dt. 22-08-2017. Accordingly the Forum, after hearing the complainant's

grievance, granted stay on 27/2/2017 directing MSEDCL not to disconnect the supply of the complainant till the disposal of present representation and issue notice to MSEDCL to file reply.

10) The non applicant MSEDCL after the receipt of the notice of the CGRF filed their reply and submitted the preliminary issue. The complainant is under the liability of making the payment of at least for the period of six month outstanding against the premises of the previous owner as the complainant is enjoying the said premises i.e. plot No. C-42 MIDC Amravati and he is having full knowledge that the MSEDCL has already secured the decree from the civil court against the previous owner, consumer of MSEDCL and consequently the liability is fully adjudicated by the civil court.

11) It is submitted by MSEDCL that after passing the decree by the civil court and finalizing the liability in connection with consumer that is his predecessor in title of the present complainant in the special suit no.231/2001 (MSEDCL Vs. M/s. Prudential PolyWeb, plot C-42) which is encumbrance on plot no C-42. It is further submitted that this Hon'ble Forum have no jurisdiction as contemplated in regulation 6.7(d) of MERC Regulations 2005 and on this ground the present complaint may be dismissed in the interest of justice. The MSEDCL reproduced the regulation 6.7(d) of Regulation 2005 as follows.

6.7(d)- The Forum shall not entertain a grievance "(d) Where a representation by the consumer, in respect of the same grievance is pending in any proceeding before any court, tribunal or arbitrator or any other authority or a decree or award or final order has already been passed by any such court, tribunal, arbitrator or authority".

It is submitted by MSEDCL in that, the present complainant has secured the new electric connection without disclosing the previous

