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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/

Date

Case No. 655

Hearing Dt. 11.05.2016

In the matter of regarding rejection of new connection on the ground of nonpayment of arrears out standing on premises

Mr. Santish Chandra Dhobi

- Applicant

Vs.

M.S.E.D.C.L., Kolshet Sub Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman, CGRF, Bhandup
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri. Satish Dhobi - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Mr. Sanjay Sonawale, Addl. Executive Engineer, Kolshet Sub Division.

ORDER (passed on 01.06.2016)

1. Above named consumer has filed application for new connection before respondent utility. He has submitted that earlier connection stands in the name of his father Shri. R.J.Dhobi. Date of connection as per record is since 2001. There was dispute between his father R.J.Dhobi against respondent utility about the period of accumulated arrears of electricity bill on the ground that the meter was faulty. His father expire in year 2000.

2. It is submitted that the entire dispute was based on dispute about benefit to be availed under Abhay Yajana Scheme. The application made under Abhay Yojana Scheme was not considered by the respondent utility, giving rise to dispute. Thereafter in the year 2002 the supply of his father's premises was permanently disconnected. In the month of October 2015 MSEDCL raised PD arrears on his application before IGRC, thereby objecting his application. Since the dispute was beyond the period of 2 years, both IGRC and CGRF rejected the application of consumer.

3. As per order of CGRF direction was given to the consumer to apply for new connection. Accordingly this consumer R.J.Dhobi filed application for new connection on 23.09.2015 which was rejected by respondent utility on the ground that the connection was permanently disconnected for nonpayment of bill and respondent utility revised bill 1,37047/-.

Appellant Say:-

- The applicant applied for new connection.
- The new connection was denied by MSEDCL on the basis of previous PD arrears of Rs. 137047/- on same premises.
- The appellant requested to consider bill dispute case and permit him for new connection.

Respondent's say is as follows:-

- The appellant submitted application for bill revision on 06.04.2015 under Abhay Yojana. As said scheme closed on 31.03.2015, the benefits under above scheme not applicable to the appellant.

- Though the applicant has stated that he had submitted the application on 18.03.2015, no such application received by this office.
- The PD bill as per rules and regulation of MSEDCL given to appellant, which he has not paid till today.
- Due to the PD arrears, application for new connection is kept in abeyance.

4. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

- 1] Whether the respondent utility entitled to recovery of PD arrears of more than 2 years (since 2002)
- 2] Whether action of rejection of new connection is legal and proper.
- 3] Whether consumer is entitled for any relief.

Reason

5. After hearing the parties and going through the documents on record, it appears that the original dispute was waived off by the consumer, which was raised by his deceased father. It revealed that connection and supply given to the premises was permanently disconnected in the year 2002. Since then no action for recovery of arrears was taken.

It also appears from the record that the consumer had submitted an application for supply, which was not decided till date.

ORDER

- 1) The consumer complaint No. 655/2015 is allowed.

- 2) Complainant directed to deposit Rs. 50,000/- towards PD arrears and also further deposit as is required for the new connection. Complainant to complete all required formalities for new connection and submit application in the format.
- 2) The respondent utility directed to accept application for new connection from this consumer and release the new connection immediately.
- 3) No order as to cost.

Both the parties be informed accordingly.

Proceedings closed.

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

Note:

- 1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

I Agree/Disagree

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP

Member secretary opinion

I as member secretary of forum disagree with opinion of member the details as given below

1. As per Regulation 10.5 of the Supply Code Regulations which governs the case of the Applicant. The said provision is reproduced as below: -

“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 cases 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.”

2.As per above provision there are two parts whether premises transfer to legal heir or otherwise . In case of legal heir liability to pay all outstanding arrears. Hence applicant should pay all outstanding arrears after solving billing dispute if any and apply for new connection as per rules and regulation.

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

Chairman Opinion

Further order in consumer compliant No. 655/2015. I have perused objection raised by Member Secretary appeared for utility according to him under Regulation no this consumer a being a legal Representative of original consumer was his father and entered PD arrears should be recovered.

Considering this issue against I found in this complaint earlier consumer father Name R.J. Dhobi already raised objection in the year 2000. The arrears which are arose already considered in Abhay Yojana Scheme in 2002 and further connection was permanently disconnected in the year 2002. But dispute which was raised earlier by this consumer was rejected on the ground on the dispute was beyond the period of 2 years.

In this complaint fresh connection was denied by respondent utility claiming PD arrases Rs. 1,37,047/- which is in the year between 2000-2002. To My view such old arrears cannot be recovered applying Regulation No 10.5. But the consumer liable to pay the six month arrears about arrears 50,000/- all the part of recovery as per regulation should be considered for granting him new connection as there is no record place before us premises received to the consumer in the capacity of legal here. Hence objection raised by Member Secretary cannot be considered earlier order pass by me his confirm.

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**