

A Govt. of Maharashtra Undertaking)

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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. 62/2016

Hearing Dt.

In the matter of giving new power supply connection & recovery of old arrears

Mr. Baburao Motiram Sakpal

- **Applicant**

Vs.

M.S.E.D.C.L., Gadkari 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.

B - On behalf of Applicant

1) Shri. Baburao Sakpal – Consumer/Consumer representative

C - On behalf of Respondent No. 1

1) Shri. Kore, Addl. Executive Engineer, Gadkari Sub Division.

1. Above named complainant filed this complaint against the respondent utility stating that his filed application for new connection to the premises situated at Sakpal Chawal, Shiv Sena Shakha, near Police Station, Hujur Gav, Thane on date 24.02.2016. Consumers also fulfil and fill up prescribe form and following the procedure. Respondent utility pass order on said application on 24.02.2016 which is decided on 26.06.2016 stating that on the said premises there are outstanding arrears stands in the name of wife of consumer namely Mrs. Vijaya Baburao Sakpal having separate connection in the said premises which is permanently disconnected for non-payment of bill after making the said

application. Respondent utility official visited the premises of consumer and found there is other connection supply to the premises in the name of Mrs. Vijaya Baburao Sakpal wife of consumer having Consumer No. 000014279555 and the said meter supply was permanently disconnected. The arrears shown in the said meter Rs 29892/- which is not paid by the wife Mrs. Vijaya Baburao Sakpal total amount to be recovered as a PD arrears from her Rs167576.62/-. According to respondent utility they said until PD arrears Rs 29892/- & Rs167559/- is paid no new connection supply can be given on the said premises. The connection which is permanently disconnection was used by Shivsena office situated Shakha Hujari and the premises is own by wife of consumer Mrs. Vijaya Baburao Sakpal and therefore application of new connection of supply was rejected being dissatisfied with the reason of PD arrears shown against the consumer. The new connection was illegally rejected initially the grievance is filed by consumer before IGRC cell & complaint registered by IGRC Cell of respondent utility case No. 137 opportunity was given on date 15.03.2016 and after obtaining reply of respondent utility IGRC Cell pass order against the consumer unless PD arrears exist of consumer no 000014279555 and 000019276759 under Gadkari Sub Division. Electricity supply for new connection cannot be issued being dissatisfied with the said order of IGRC cell this consumer approach to the Forum and filed complaint in Schedule 'A' requesting rejection of application of new connection electrify supply to the residential premises of consumer is illegal and direction may be issue to the respondent utility for grant of new connection supply to the residential premises. After filing this complaint by consumer on date 19.05.2016 notice was issued to the respondent utility after service of notice respondent utility appeared and filed reply on date 21.07.2016. It is contention of respondent utility as per Circular No. P-com/Accts/19021 dtd. 06.07.2013 no new connection can be issued to the consumer. Respondent utility filed copy of IGRC order and notice issued to the consumer wife Mrs Vijay Baburao Sakpal directing her to deposit amount of 1,42,295/- and 2,98,92/- notice dated 26.03.2016. Thereafter, we have given

opportunity to the consumer and his representative and also Add.Executive Engineer Gadkari Sub division on dated 14.07.2016 and 26.07.2016,the matter was heard by this Forum.

2. After perusing the all relevant documents, following points arose for our consideration.
 1. Whether respondent utility rejected the application for new connection to the premises on the ground of nonpayment of PD arrears stands in the name of his wife Mrs. Vijaya Baburao Sakpal is legal valid and proper?.
 2. Whether consumer is entitled for new connection supply to the premises?.
 3. Whether consumer is entitled for any relief?

Reasons

3. I have perused complaint filed by consumer letter issued by respondent utility to the consumer informing PD arrears dated 11.02.2016 showing PD amount Rs. 29892/- & 16756/- the route sequence 8425 and 8426 of 67. Respondent utility also filed copy of inspection report dated 12.10.2015 consumer relied and file the copy of filed application for new connection agreement receipt, quotation, and all other relevant documents along with application for new connection. The grievance is filed by consumer against the respondent utility on the ground. It is contention of this consumer name Mr.Baburao Mothiram Sakpal that PD arrears of shown in the name of his wife Mrs. Vijaya Baburao Sakpal and the premises against which PD arrears shown is before 15 to 20 years. The said premises is in deliberated condition and in non use even the said premises is already sold consumer name Mr. Keshav Sawant who occupied the premises from sufficient long years . According to consume when the said premises was not actually occupied and used by himself or his wife the recovery made attempt by respondent utility against the name of wife after laps of many years is illegal and not proper. Secondly, the application for new connection against the consumer no 00019276759 is used by this consumer and he already paid and deposited entire arrears application for new connection made by this consumer no 14278362 Meter no 9021007161 for the premises used at residential by this

consumer. According to consume there is no recovery pending payable any amount to the respondent utility therefore rejection on the part of utility is illegal. Respondent utility file inspection report after application for new connection is made by consumer. After verification of premises it is reported by Junior Engineer of respondent utility that rout no 8425 and 8426 was check of consumer no 14279555 and 19276759 the connection stands in the name of consumer and his wife Mrs. Vijaya Baburao Sakpal showing PD arrears amount 29892/-and 19276759 amount 16756-/ are pending . I have perused said inspection report. It appears that respondent utility trying to recovered the arrears PD on different consumer no and PD arrears are already disconnected meter the period of alleged PD recovery arrears admittedly not within 3 years even the date of actual PD and continuous demand of arrears was already made to the consumer document not submitted by utility. The notice which is filed on record by respondent utility reviewed that the said notice is issue on 26.3.2016 that is apparently after the date of inspection long back standing PD arrears which was notice after application for new connection supply made by this consumer was raised by respondent utility. Certainly, this is not within the period of limitation coming to the issue of rejection of new connection supply or non-payment of PD arrears form this consumer and his wife there is no record filed by respondent utility how much long standing recovery is claim and whether the premises is occupied by any third person as it is disclose by consumer the premises is already sold & is not in occupation of this consumer. It also appears to me that no legal and proper step was taken by the responsible officer of utility to claim arrears at appropriate time.

4. It is further appears that whether PD arrears can be recovered from the consumer or occupant merely the premises is same where the new connection is applied by this consumer came to be rejected on the ground of non-payment of PD arrears where connection in the stands in name of consumer wife Mrs.

Vijaya Baburao Sakpal. According to me action of respondent utility is not legal valid and proper taking advantage of connection is asked same premises only.

5. It is pertaining to note that the new connection of meter demanded by consumer is used and occupied as a residential premises and the in part of premises there is medical shop situated the meter instalment to the residential premises bearing consumer no 14278362 is charges as commercial tariff where the part of premises is used for residential the consumer wanted to apply for separate meter to be used for residential purpose entitled to pay the tariff as per residential tariff and not commercial and there his application for new connection can be held is legal valid and proper the contention of respondent utility rejection on the ground of non-payment of PD arrears which are beyond the period of limitation and after long years back cannot be recovered in this manners. Hence rejection of new connection is held illegal and improper. I found there is substance in contention of consumer to apply for new connection and the meter can be used for separate residential purpose with the said intention grant of this new connection must be held proper. Therefore I am in client to issue direction to respondent utility after completion of all formalities and required deposit and necessary amount new connection supply should be given immediately within 10 days for receiving of this order. Consumer shall deposit necessary amount for new connection only. Hence order.

ORDER

1. The consumer complaint 62/2016 is allowed. The respondent utility is directed to issue new connection for residential premises of consumer within 10 days from receiving of this order.
2. The consumer directed to complete and follow the procedure and to pay required deposit as per rule respondent utility is at liberty to recover the arrears by filing appropriate litigation before competent court of law.

No order is to the cost.

Proceedings closed.

Note:

1) If **Consumer is not satisfied with the decision, he may file representative 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

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

As per MSEDCL representative there are PD arrears on consumer no 000014279555 on the name of Mr.. B.M. Sapkal and consumer number 000019276759 in the name of Mrs Vijay B sapkal so as per MSEDCL Circular no P-Com/Accts/No 19021 Date 6 July 2013 arrears applicable to be recovered

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 on the name of 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.

Shri. B.M.Sapkal submitted application for new power supply connection which already had P.D arrears , Hence power Supply connection to be released after payment of outstanding arrears as per above referred circular and action to be taken against for not recovering long period arrears as per above mention circular

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