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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. 556

Hearing Dt. 10/02/2015

Shri. Shaikh Shamembe Jameel -

Vs.

M.S.E.D.C.L., Bhiwandi, TPL. -

Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Applicant

- 1) Shri Shakeel S. Ansari, - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. R.R.Beloskar, Executive Engineer, Nodal Office Bhiwandi.
- 2) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.

ORDER(Passed On 07/03/2015)

New Service Connection 15075578153 single phase Residential Purpose.

Above named applicant filed this compliant file against M/s. Torrent Power Ltd., Bhiwandi. On 17/06/2014 IGRC vide its order No.IGRC/TPL/BWD/2006 rejected the application and complaint of this consumer on the ground stating that original consumer in the premises bearing consumer no 15072047670 Named Ramsil Majid Mado was occupying premises. In spite of notice he did not deposit arrears of Rs.

56027.75/- and TPL arrears of Rs. 10662.55. Therefore application for new connection is dismissed for nonpayment of arrears due on the said premises.

Being arrived by the said order this complaint is filed by consumer stating as per direction of Bombay High Court and Apex Court under Section 56(2) arrears beyond two years cannot be demanded. For want of getting passport and Job at Gulf country and having six daughters connection required to be issue.

After filing this compliant on 29 December 2014, notice was issued to Respondent to appear respondent filed document and say showing arrears of original consumer Ramsil Majid Mado, copy of agreement executed by Ramsil Yadav in favour of present compliant Shri. Shaikh Shamembe Jameel. It is contention of Respondent that there are arrears of MSEDCL prior to 01/01/2007 amounting Rs. 56027.75 and there are also arrears of TPL of Rs. 10662.55/- which was demanded by consumer as it was not paid as per provision of MERC directives under the Rule. Unless previous arrears is paid fresh connection can not be issued.

I have heard contention of Secretary MECA Shri. Shakeel Ansari , I have also perused document filed by him. On hearing the argument it appears that present consumer entered into agreement on 29/03/2012 with owner Sharfudin Nizamudin Nakhdo. On perusal of agreement of Room No. 13 the present consumer agreed and accepted liability of payment of Electricity Bill and water charges by her if any.

I found Respondent is justified in demanding arrears on previous electricity meter installed on the premises and there are arrears of MSEDCL and TPL . Terefore unless consumer pay and deposit the arrears the fresh connection can not be issued in view of the provision Rule and Regulation of MERC, which runs as follows unless consumer deposit arrears no fresh connection can be issued.

I have considered contention of consumer . She being lady having six daughters she is required to deposit earlier arrears as shown Annexure B&D as per TPL the amount is calculated . It is revealed that from 01/01/2006 till the arrears (May 2005-Jan 2009) which was due required to be paid amounting to Rs. 18680.4/- to MSEDCL and Rs. 4816.31/- to TPL shall be recovered from present consumer as liability is accepted by present consumer in agreement . Hence I am proceeding to pass as follows.

ORDER

Present compliant No 556 is allowed only after depositing the arrears (May 2005-Jan 2009) of Rs. 18680.4/- of MSEDCL Rs. 4816.31/- of TPL. No interest no penalty on depositing amount. If the amount is not paid the compliant shall be treated as dismissed.

No order as to cost.

Both the parties be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

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

**SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**SHRI. S.B.BHALSHANKAR
MEMBER SECRETARY
CGRF, BHANDUP**

