

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 495

Hearing Dt. 02/05/2013
& 07/05/2013

Shri Parasnath R. Rai - Applicant

Vs.

M.S.E.D.C.L. Kolshet S/Dn. - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. K. Choudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Prakash S. Sardar, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri S.D. Gaikwad, Dy. Ex. Engr., Kolshet S/Dn., Wagle Estate.

In short it is the case of the complainant that consumer no. 130349064/4 was permanently disconnected somewhere in the year 2003 it appears from billing that there was one more connection that was also permanently disconnected but subsequently that arrears on that another meter were already paid by the complainant and that meter is not a subject matter of the complaint.

Some where in the month of Jan-13 Complainant approached utility for new connection; however as there were dues the complainant was directed to make the payment of those dues and then only a request for new connection will be considered. Being aggrieved by this direction Complainant approached to IGRC by its order dtd. 05/04/2013 gives some directions to utility. Being not satisfied with said directions Complainant approached to this Forum with a request to squash the direction given by utility for depositing the arrears as it is time barred.

Mean while it appears Complainant was in hurry to get the connection so taking the advantage of "Abhay Yojana" amount of ₹ 1,22,270/- were deposited by Complainant under protest as a benefit of "Abhay Yojana" was given the Complainant was benefited to the extent of the 50% of the amount in total which was recovered.

Today Respondent appears and submitted the say and as per Respondent in view of the notification issued by Govt. of Maharashtra dtd. 20th January 2005 as per supply code 17.8 it is obligatory on the part of customer to pay the dues for the arrears considering the provision of 10.5 of MERC Regulations 2005. It is categorily desired by the Respondent that the provisions of Section 56.2 of I.E. Act 2003 are not attracted as the dues are not of live consumer; The old P.D. consumer and the request for new connection are same and in the same premises and hence as per 10.5 of MERC Regulations 2005 and condition of supply 17.8 clears that the amount are payable by the cosumer.

We have heard both the parties at length and after hearing both the parties the following points are arise for our determination

- 1) Whether the dues claimed by the Respondent against consumer no. 000130349064/4 can be squashed and set aside while giving direction for new connection.
- 2) What Order?

Our findings for the said points are

- 1) No
- 2) See below order

Reasons :

Most of the facts in case are admitted the only question is of the determination of interpretation of Section 56.2 I.E. Act 2003 and 17.8 of condition of supply of the notification issued by the Govt. of Maharashtra supply code 20/01/2005.

it the contention of the Complainant is that the previous recovery can not be claimed to the present complainant in view the fact that previous meter was not at the same

premises where the present new meter for installation is requested by Complainant. The further submission was that the previous meter was claimed by some body else rather than the present Complainant. According to the Complainant the previous two meters which were permanently disconnected were at the premises which were already occupied by the Thane Municipal Corporation and that is how as the same premises is not actually in possession of complainant as a owner now, it cannot be say that the Complainant is asking for the new meter in same premises and the same name. We are not satisfied with the submission made by the Complainant for the reason that acquisition of the particular portion of the premises of Complainant that to against the compensation, cannot be determined as separate premises from the existence one on which meter is claimed. It is admitted fact that the present Complainant who is claiming meter in his place, the previous meter was also in the name of the same Complainant at the same premises, we disagree with the submission of the Complainant that these two meters are separate one as on today.

Now it is the question of interpretation of Section 56.2; Complainant tried to realize M/s. Rotex Polytex and another vs Administration in writ petition no. 13015 of 2008. We have gone through contents and Law applied by Hon'ble High Court while interpreting Section 56.2 of Elect. Act. In our considered view considering fact the present case the Law which is made applicable by Hon'ble High Court is not applicable here for the simple reason that in our case there is a permanent disconnection and there is no live power supply in meters dues are shown continuously and against this there is a deemed provision showing the liabilities of the consumer to make the entire dues while making application for the new connection. In supply code 17.8 reads as below:

.....“any person claiming to be heir, legal representative, transferee, assignee or successor of the defaulting consumer with or without the consideration in any manner, shall be deemed to liable with the entire upto date arrears of charges for the electricity supplied by MSEDCL” ...

And therefore in our consideration the arrears claimed by Respondent for giving the new connection cannot be squashed. The amount which is already paid by the Complainant under protest should be treated as the final amount paid and no question of making the order of repayment of the said amount under this ground of the Complainant.

Hence answering the above points accordingly the following order is passed.

ORDER

- 1) Complaint is dismissed.
- 2) No order as to cost.

Both the parties should be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 14th of May 2013.

Note :

- 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP