

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

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

Date :

Hearing Dt. 12/10/2012

Case no. 468

Mrs. Meena Mahesh Shah - Applicant

Vs.

MSEDCL Vashi Division - Respondent

Case no. 469

M/s. Rachana Products - Applicant

Vs.

MSEDCL Vashi Division - Respondent

Present during the hearing

A] - On behalf of CGRF, Bhandup

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

B] - On behalf of Applicant

- 1) Mr. Suraj Chakraborty – Consumer Representative.

C] - On behalf of Opponent

- 1) Shri V.R. Nalwad, Dy. Ex. Engr. Vashi S/divn.
- 2) Shri D.M. Jadhav, Jr. Law Officer.

ORDER

Common order passed in the case no. 468/469/2012. In both these cases, both the consumers have approached being aggrieved by the decision given by IGRC, Vashi Circle.

In both these cases to some extent even if the facts are different but the approach before IGRC was with request for the release of new connection. In both these cases it appears the present consumer is the new owner/occupier of the premises having the dues for the consumption of electricity of the previous owner.

It also appears the present consumer being new owner and occupier of these premises initially approached to circle office, the grievance of the consumer is that no any action was taken for release of new connection and that is how they approached to IGRC.

We have gone through the order issued by the IGRC. In both the cases IGRC by its order dtd. 30/08/2012 directed to the consumers that they should approach to the division office as this matter pertains to LT PS. It is also directed that both these consumers should approach to the division office and submit a subsequent application with the under taking if required as directed by Hon'ble Supreme Court for the release of new connection at the respective premises purchased by these consumers from their old owners those who were in default of arrears of the amount mentioned in respective electricity bills. It was further directed that after approval from division office with the complete application and undertaking the proposal will be prepared by division and same will be submitted to competent authority for its approval.

The representative for consumers tried to convince this Forum that they approach either to circle office or division office, its cognizance was not taken for the reason best known to the circle office or division. We are not agree with this submission because nothing is brought on record

by consumer that as per the directives given by the IGRC the initial approach was there by the consumer with the complete application with a request for depositing at least a six months arrears of the original owner prior to date permanent disconnection as per Regulation 10.5 of 2005.

On scrutiny of the application and the details given we are unable to understand as no any reason given by the consumer as to for what reason as directed by IGRC he didn't approach to division office. Consumer representative unable to explain to Forum to its satisfaction as to why they didn't approach to division office. In our opinion as a matter of fact these two complaints infact premature. It is true IGRC has said if not satisfied they may approach to Consumer Grievance Redressal Forum but in our view directive given by IGRC if not satisfied with the action taken by the division office we feel the said could be cause of action to approach to the C.G.R.F.

So far the interpretation of 10.5 of Regulation 2005 the learned Law Officer made a submission before the Forum that the matter is subjudis in Hon'ble Supreme Court for the legal issue to be decided by Hon'ble Supreme Court as to whether the recovery from new owner to be restricted just for the six months prior to the date of P.D. or whether the full amount is to be recovered as on the case of legal heir. It also submitted by the learned Law Officer that as per order of Hon'ble Supreme Court till disposal of matter as the implementation of the in Regulation 10.5 of 2005 will be continued subject to condition that the undertaking should be taken from the consumer while releasing new connection and accepting only six months arrears from new owner prior to the date of P.D.

In one case i.e. in case no. 469 there is a little bit different facts. It appears there was theft case registered against the original owner. We feel a specific additional undertaking from consumer in case no. 469 should be taken that he is ready to deposit at present six months arrears prior to date of P.D. as required under 10.5 Regulation of 2005 but in case in that criminal case what ever decision will be passed by Criminal

Court he will abide the same and accordingly either the said amount which is paid by the consumer will be adjusted in subsequent bill but in case of conviction the liability will be complete and no question will arise regarding the adjustment of the payment. This is in addition to original undertaking in a proforma which is available with the division office regarding the other arrears in both the cases which will be depend upon the decision given by the Hon'ble Supreme Court.

Accordingly we feel these two matters can be disposed off being a premature and we passed the following order.

ORDER

- 1) Both complaints are disposed off.
- 2) Both the complainants are directed initially to comply the direction given by IGRC with approach to division office with detail and complete application along with the undertaking in view of the directions given by the Hon'ble Supreme Court and in addition to that utility hereby directed to take further undertaking as directed in the body of judgement in case no. 469.
- 3) Division office/utility is hereby directed to scrutinize the application given by the consumer alongwith the documents if any after scrutiny of documents so far Regulation 10.5 is concerned division office in both the cases will make proposal and the said proposal should be submitted to the appropriate authority for its approval
- 4) We direct both the consumers to comply this order by submitting its application within eight days from of the date of this order. Respondents are hereby directed after receipt of applications acknowledgement will be given to the complainant.
- 5) A proposal should be submitted to the competent authority for its approval within 15 days from the date of receipt of applications.

6) In case competitive authority approves the proposal then further steps will be taken as early as possible for new connection to the consumer after obtaining the undertaking as well as calculating the arrears in both the cases in view of Regulation 10.5 of 2005.

No order as to the cost

Both the parties 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 18th of October 2012.

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 proceed 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