



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/N/076/562 OF 2010-2011 OF SHRI EMMANUEL BHAKRE, AMBERNATH (EAST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Shri Emmanuel Bhakre
Victory Apartment,
Plot No. 630, Flat No. 001,
Kansai Section,
Ambarnath (East) : 421 501

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Ambarnath East Sub-Division

} (Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress

the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission (MERC) vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The complainant registered grievance with the Forum on 01/01/2011 regarding New Connection. The details are as follows :
Name of the consumer : Shri Emmanuel Bhakre
Address: - As above
Consumer No :
Reason for Dispute : - Regarding New Connection
- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/006, dt. 01/01/2011 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Ambarnath East Sub-Division filed reply vide letter No. 103, dt. 25/01/2011.
- 4) The Members of the Forum heard both the parties at length on 08/02/2011 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Emmanuel Bhakre Complainant, Shri Purohit, Nodal Officer, Shri Kale, Asstt. Engr., Shri Vinod Kale, Jr. Engineer Representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5) The complainant applied for new electric connection for his Flat No. 01, Plot No. 630, Kansai, Ambernath (East) before about nine months of lodging this grievance however, his request was turned down on the ground of arrears of electricity bearing consumer No. 021520047171. It is contended electric connection was given by the licensee on the plot No. 630 Kansai, however since charges Rs. 26,030/- were not paid the meter was permanently disconnected on 31/12/2000. According to complainant meter as above was not in his name nor it was to his Flat No. 001, therefore question of remaining in arrears does not arise. Complainant moved the I.G.R.Cell but in vain and hence the grievance to direct the licensee to give new connection.
- 6) Licensee filed reply dt. 25/02/2011 contending that electric connection was given to Plot No. 630 Kansai Section in the year 1997 in the name of M/s. Works Manager, however, the said consumer bearing No. 021520047171 did not pay charges vide bill dated 08/12/2010 therefore meter was permanently disconnected for arrears on 31/12/2000. It is contended complainant was informed by letter dated 08/12/2010 to clear the arrears before giving new connection but nothing is done therefore the grievance does not stand to reason.
- 7) According to the complainant he owns Flat No. 01 on Plot No. 630 in Kansai Ambernath. He applied for new connection to his Flat before nine month but he was not given connection. As against this according to licensee holder of Plot No. 630 M/s. Works Manager is in arrears of electricity charges Rs. 26,030/- vide bill dt. 08/12/2010 therefore meter installed there has been permanently disconnected in December 2000.

On perusal the bill dt. 08/12/2010 mentions consumer No. 021520047171 M/s. Works Manager on Plot No. 630 was in arrears. As per Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 any charge for electricity or any sum due to the Dist. Licensee which remains unpaid by the owner / occupier of any premises as a case may be shall be charged on premises transferred to the new owner / occupier and the same shall be recoverable by the Dist. Licensee as due from such a new owner / occupier of the premises as the case may be. In the case in hand, bill referred to above mentions charges due against M/s. Works Manager on Plot No. 630. As seen from the reply filed by licensee dt. 25/02/2011 indicates there are eight number of service connections issued in the Plot No. 630 and that Flat No. 01 is on Plot No. 630. Nothing to show which connection out of eight was given to the complainant rendering him jointly liable with other seven and how much charges out of dues fall to the share of complainant. Assuming for a movement some charges fall due as against the complaint, licensee has to recover the same within the period of three years as per limitation Act. Meter in the name of M/s. Works Manager was permanently disconnected on 31/12/2000 i.e. before about ten years, consequently if any dues fall against the complainant, is squarely barred by law of limitation. When according to licensee eight number of service connections released on Plot No. 630 and the meter was permanently disconnected in December 2000, licensee has not pointed out what action taken against the defaulters within the long period of ten years clearly indicative of inaction and carelessness on the part of the

concerned officials. Dist. Licensee is the largest public sector company answerable to the public at large since public fund is involved. Inaction on this count tantamounts to the public loss therefore appropriate action is necessary to be taken against the erring officials.

- 8) As per Section 43 of the Act licensee has to supply electricity within one month after receipt of the complete application requiring such supply. Under the circumstance licensee is liable to give supply to the complainant as per the provision referred to supra. In this view of the matter we find force in the grievance application and the same deserves to be allowed.
- 9) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order :

ORDER

- 1) Grievance application is allowed.
- 2) Licensee is directed to supply electricity to the complainant as per the Rules and Regulations within ten days and compliance should be reported within 30 days from the date of receipt of this order.
- 3) Licensee is directed to take appropriate action against the concerned erring officials within 30 days and report compliance within 45 days from the date of receipt of this order.

- 4) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address :

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- 5) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address :

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 08/03/2011

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan