

Grievance no.K/N/0114/902 of 2013-14



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/N/0114/902 of 2013-14

Date :07/01/2014

IN THE MATTER OF GRIEVANCE NO.K/E/725/858 OF 2013-14 OF SHRI RAJESHWAR PURSHOTTAM PHEDRE SHOP NO.40, SAFALYA EXT., SANEWADI BAZARPETH, BADLAPUR (WEST), DISTRICT-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN, REGARDING NOT GIVING SUPPLY.

Shri Rajeshwar Purshottam Phedre
Shop No.40,Safalya Ext, Sanewadi,
Bazarpeth, Badlapur (West),
District-Thane.

..... (Hereinafter referred
as consumer).

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Dy. Exe.Engineer, Vasai Road [E] Sub Divn.

Appearance :- For Consumer - Shri Harshad Sheth, Consumer
Representative

For Licensee - Shri Satish Umbarje, Dy. Exe. Engineer

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1] This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. The regulation has been made by the Maharashtra Electricity

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Regulatory Commission 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 Consumer is having Industrial LT-V supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered grievance with the Forum on 26/7/2013 for challenging the amount shown towards the dues of defective meter .

3] The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0858 dated 29/7/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 8/8/2013.

In this matter, we heard both sides at length, gone through the contention of the Consumer, reply of the Licensee and meter testing reports placed before us. On its basis, following factual aspects disclosed:-

2] The matter is taken up today. It is pursued that this matter is initially numbered as 899, but in fact by mistake number is repeated, hence now this matter is entered in the register assigning it Grievance No.902. Consumer is asked to make correction in letter addressed by this Forum to him. In the same function licensee is asked to get the number corrected as 902.

3] In this matter licensee filed reply and contended that previous consumer Mr. Yogesh Adhikari has not paid the arrears. His supply was disconnected in October 2002 and when the present consumer applied for supply he was made aware that he was to pay the arrears. Even considering his contention, details are worked out by the licensee. On its basis average bill amount was found Rs.14,750/- and interest amount was reduced to the extent of Rs.2,35,5000/-, but as the bill was not paid, this consumer is provided with for Rs.2,38,440/- along with reply CPL is produced.

4] On close reading of CPL, it is seen that till November 2002, bills issued, those bills were by monthly. Thereafter, it is clearly seen that supply resulted in PD.

5] Accordingly, now the question comes up how much amount this consumer is to pay for availing supply.

6] This is the case pertaining to seeking connection by new consumer in the premises wherein already supply was given to resulted in PD. As per the contention of present consumer, he has purchased the said premises vide sale deed dated 28.6.2013, it is purchased for Rs.7,30,000/-. Index-II is brought before us, speaks about the said transaction and name of previous consumer is written as Isha Kisan Khapade and Sandhya Shankar Khapade . We tried to found out that how these persons who executed the sale deed. It is explained that previous consumer Mr. Yogesh Adhikari has sold it to Khapade and then Khapade sold it to present consumer. Accordingly, it is a case of transfer of property/premises, herein electric connection was there and accordingly question is of showing the liability of previous consumer.

7] As noted above, matter is PD in October 2002 and as present consumer sought reconnection in the year 2002, precisely by filing application on 17/9/13, which is not granted. He approached to CGRF on 30/9/2013, the matter is not decided. Hence he approached this Forum on 10/12/2013. On behalf of licensee, it is submitted that dues are there which are required to be paid totally by consumer, who is claiming as transferee on the basis of sale deed. Whereas no legal notice issued which replied by licensee and it is addressed to previous owner Mr. Khapade. The said notice is dated 10/6/2010. Let it copy be placed on record by licensee and on behalf of consumer it is submitted that as per clause 10.5 of Supply Code, present consumer being the purchaser of premises. At the most he is liable to pay arrears of six months pertaining to the electricity supply to him.

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8] With the help of accountant, the present Officer treating that connection is PD after November 2002. Payment for six months will be from June 2002 to November 2010. Those were bi-monthly bills of Rs.1914.49 and Rs.1998.88, Rs.1322.39 and Rs.2111.2 total comes to Rs.5,24,576/-. This will be the figure of electricity charges during the said months i.e. prior to the PD and this in the light of 10.5 proviso.

9] The Officer of the licensee submitted that as per clause 135 of Electricity Act initial portion covers both and hence the total charges demanded are to be paid. The officer tried to contend that in the original sale deed of present consumer, it is seen that copy of arrears of electric bill along with CPL are enclosed and hence it cannot be said that consumer is not aware of the des. In this light, it is submitted that dues are to be paid. We are anxious to know that whether there is any mention in the sale deed about the billing previous existing article of licensee. There is no any such clause seen in the sale deed. Let copy of sale deed also placed on record by the consumer as the officers of licensee has at their own mistake and seek reply after initial sub Divisional to come. Hence matter stands adjourned to 2.1.2014 at 2.30 p.m.

Dated: 30/12/2013

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

(Chandrashekhar U. Patil)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

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