



**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/082/599 OF 2011-2012 OF**  
**SHRI RAJESH MURLIDHAR MIRANI, ULHASNAGAR REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT NEW CONNECTION.**

Shri Rajesh Murlidhar Mirani  
Near BK – 1041,  
Ulhasnagar : 421 003  
Dist. : Thane

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Ulhasnagar Sub-Division No. – III

(Here-in-after  
referred  
as licensee)

- 1) 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. This regulation has been made by the Maharashtra Electricity 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 Complainant registered grievance with the Forum on 11/05/2011 for New Connection. The details are as follows:

Name of the complainant :- Shri Rajesh Murlidhar Mirani

Address: - As given in the title

Consumer No : - NIL

Reason of dispute : New Connection

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/307 dated 11/05/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/UIh.Sub.Dn-III/Tech/0710, dated 27/05/2011.
- 4) The Members of the Forum heard both the parties on 30/05/2011 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Rajesh Mirani Consumer, Shri B. R. Mantri, Consumer Representative and Purohit Nodal Officer, Shri Kale Asstt. Engr. and Shri C. S. Damse, Dy. Ex. Engr., 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 each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.

- 5) According to the complainant he has purchased A. C. sheet shed admeasuring 10' X 90' behind Ashok Talkies, Section 24, opp. barrack No. 1041/1048 Ulhasnagar – 3, Dist : Thane by unregistered agreement of sale dated 22/04/2009 from Vendor Nandlal Sreechand Wadhava. On getting possession his name has been entered in the mutation register maintained by Ulhasnagar Municipal Corporation as a person primarily liable to property tax. On 03/03/2011 complainant applied for new connection in the said premises however licensee did not respond. It is contended that as per the rules and regulation licensee is liable to supply electricity on compliance of requisite criteria but failed hence he moved the I.G.R. Cell but in vain. Therefore lodged this grievance with prayer to direct the licensee to give new connection.
- 6) Licensee filed detail reply dated 27/05/2011 contending that Meter No. 399982 was installed in the said premises bearing consumer No. 021510662633/8, however it was permanently disconnected for arrears of Rs. 04,05,534/-. The then consumer Shri Dinesh P. Lassi filed a Special Civil Suit No. 138 of 2001 pertaining to arrears in the Civil Court at Kalyan and the said suit is pending before the Court. It is contended since issue as regards arrears pertain to the meter installed in the premises where new connection sought is pending before the Court, this Forum cannot entertain the instant grievance as per the Clause 6.7 (d) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006. For all these reasons licensee prayed to dispose of the grievance application since not maintainable.

- 7) We have gone through the entire records and the relevant rules and regulations applicable to the present case. On perusal the agreement to sale dated 22/04/2009 placed on record shows complainant purchased the property from Shri Nandlal Wadhva, Wadhva purchased it from Dinesh Lassi and Lassi purchased it from Manoharlal Makhajiyaa and Makhija purchased it from Gordhandas Khubchandani on 02/12/1993 and said Khubchandani purchased it from Prakash Ramchand Makhajiya on 09/09/1987. The then consumer had taken electric connection from the licensee in this premises against which amount of Rs. 04,05,534/- is outstanding and alleging this amount of arrears is excess Shri Dinesh Lassi filed a Civil Suit No. 138 / 2001 in the Civil Court at Kalyan. This Dinesh Lassi as seen from this agreement dated 22/04/2009 had purchased the premises from one Manoharlal Makhajiya in the year 1996. This Dinesh Lassi is not the complaint consumer before this Forum as contemplated under Sub-Clause (d) of Clause 6.7 of the Regulation and that the grievance pertains to new connection. In the suit pending before the Hon. Court dispute is about the arrears of energy bill and that it is filed by one Dinesh Lassi therefore Clause (d) of Clause 6.7 of the Regulation has no application to the present grievance and hence it cannot be disposed of as not maintainable as prayed by the licensee.
- 8) So far arrears of the electricity bill against Shri Dinesh Lassi, suit is already pending before the Court. So far new connection sought by the complainant, the learned representative for the complainant submitted that Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity

Supply Code and other Conditions Of Supply) Regulations 2005 is applicable to the present case which reads as under :

“Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be :

Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises”.

- 9) Inviting our attention to the provision referred to above, learned representative for the complainant submitted that licensee has to give new connection on depositing six months unpaid charges by the complainant. It is seen from the agreement referred to above, complainant who seeks new connection from the licensee is not the heir of the consumer remained unpaid therefore the complaint is liable to pay six months unpaid charges prior to date of permanent disconnection of electricity supplied to the premises vide Clause 10.5 of the Regulation. On depositing six months unpaid charges by the complainant who claims to be the occupier of the

premises, licensee can release new connection as per rules. On this background contention of the licensee that earlier meter installed in the premises since permanently disconnected for arrears no new connection can be released, in view of the Regulation referred to above, does not hold water. In view of this we find force in the grievance application and the same deserves to be allowed and hence the order :

**O-R-D-E-R**

- 1) The grievance application is allowed.
- 2) Licensee is directed to calculate six months unpaid charges prior to date of permanent disconnection of electricity supplied to the premises and to inform the same to the complainant within ten days from the date of receipt of this order.
- 3) The complaint is directed to deposit with licensee six months unpaid charges prior to date of permanent disconnection of electricity supplied to the premises vide Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations 2005.
- 4) On depositing charges as above licensee to release new connection to the complainant vide Clause 4.4 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005

- 5) Licensee to report compliance as above within 60 days from the date receipt of this order.
- 6) 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”.*

- 7) 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 : 07/06/2011

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan