



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/091/679 OF 2012-2013 OF SHRI LAKHI WADHUMAL VALECHA, ULHASNAGAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION FOR RESIDENTIAL PURPOSE .

Shri Lakhi Wadhmal Valecha
Jai Baba Bhawan, 3rd floor
Barrack No. 812
Room No. 09, Section 17,
Ulhasnagar – 421 003

(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 11/01/2012 for New Connection for residential purpose.

The details are as follows :

Name of the complainant :- Shri Lakhi Wadhmal Valecha

Address: - As given in the title

Reason of dispute : New Connection for residential purpose

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/075, dated 11/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/UIh Sub.Dn.3/251 dated 04/02/2012 & 485, dated 14/03/2012.
- 4) Hearing was held on 07/02/2012 @ 15.30 hrs. The Member Secretary and Member of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Mukesh Valecha & Shri Lakhi Valecha Consumer Representatives & Shri Kashal, Asstt. Engr., 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.
- 5) The brief facts of the case are as follows :
 - a) The complainant Shri Lakhi Wadhmal Valecha residing at Second Floor, Barrack No. 812, Room No. 09, Section 17, Ulhasnagar – 3, Dist : Thane has applied for electricity supply in the afore said premises for residential purpose.

- b) It is the contention of the complainant that he is a lawful occupant of the said premises.
- c) The complainant further states that his Father Shri Wadhupal D. Valecha was the lawful and absolute owner of the property i.e. first, second and third floor of Barrack No. 812, Room No. 09, Section No. 17, Ulhasnagar. However, his Father Shri Wadhupal D. Valecha expired on 02/10/2006.
- d) It is also contended by the complainant that after the death of his Father the complainant alongwith his two brothers become the legal heir of the said property.
- e) The complainant further states that his two brothers have given 'No Objection' in the form of affidavit intimating the Licensee to grant electricity connection in favour of Shri Lakhi Wadhupal Valecha at Second Floor, Barrack No. 812, Room No. 09, Section 17, Ulhasnagar.
- 6) Grievance of the complainant is that though he has applied for new connection on 09/09/2010 Licensee has not provided him electricity connection till date.
- 7) The complainant therefore approached the Forum and requested to direct the Licensee to give him new connection immediately.
- 8) Notice was issued to the licensee who appeared and submitted as under :
 - a) Licensee submitted that the meter which was installed in the same premises was in the name of deceased Shri Wadhupal D. Valecha and was removed for non payment of arrears of Rs. 34,110/-.
 - b) Licensee further states that complainant is the Son of Shri Wadhupal D. Valecha and therefore as per Regulation 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of

Supply) Regulations, 2005 the complainant being the legal heir of the deceased Shri Wadhupal D. Valecha, is liable to pay the arrears of Rs. 34,110/- for getting new connection in the said premises (i.e. Second Floor, Barrack No. 812, Room No. 09, Section 17, Ulhasnagar.)

- c) Licensee further submitted that it has already communicated to the complainant to make payment of arrears (vide it's letter dated 30/09/2011) in order to enable to release new connection.
 - d) Licensee therefore requested the Forum to direct the complainant to pay the amount of arrears which is the legitimate outstanding amount to the Licensee.
- 9) After going through the documents placed before us we have observed that
- a) The complainant has submitted the death certificate of his Father Shri Wadhupal D. Valecha.
 - b) The complainant has stated in his affidavit dated 06/08/2010 that he is seeking electricity supply in Second Floor, Barrack No. 812, Room No. 09, Section 17, Ulhasnagar where he resides. However, in the application form (Schedule 'A') dated 11/01/2012 he has given his address as Jaibaba Bhawan, 3rd floor, Barrack No. 812, Room No. 09, Section 17, Ulhasnagar. To clarify on this discrepancy we asked for the additional information regarding the meter status and any arrears on the premises where the complainant is seeking electricity supply, by our letter dated 01/03/2012. The Licensee on this letter informed by it's letter dated 14/03/2012 received by Forum on 29/03/2012 that "The meter was previously installed in the **same** premises where the complainant is seeking electricity supply and arrears are lying on the **same** premises".

- 10) We have also observed that the consumer No. mentioned by the Licensee in its remark on the back side of the application form (for supply of electricity) and the consumer No. on the CPL found to be the same. The remark is also countersigned by the complainant.
- 11) In view of the above the complainant being the legal heir of deceased Shri Wadhmal D. Valecha (earlier owner) is liable to pay the outstanding arrears as per Section 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 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.”
- 12) We therefore find that the action taken by the Licensee to direct the complainant to pay an outstanding amount is correct.

- 13) We have also gone through the provision of Regulation 10.3 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 which reads as under :
- ““The application under Regulation 10.2 shall be accompanied by
- (i)Consent letter of the transferor for transfer of connection in the name of transferee.
- (ii)In the absence of consent letter, any one of the following document in respect of the premises : (a)proof of ownership of premises (b)in case of partition, the partition deed (c)registered deed, or (d)succession certificate.
- (iii)Photo copy of licence/permission with respect to the purpose for which electricity is being supplied to the premises, if required by statute.
- (iv)Processing fees or receipt thereof.”
- 14) The information sought by the Forum was provided by the Licensee at a very late stage hence delay is caused in deciding this case in stipulated time period.
- 15) Taking into consideration all the above points we pass the following order :

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) The complainant is directed to pay the outstanding amount of arrears to the Licensee as elaborated in Para No. 11 of this order.
- 3) The complainant is directed to submit all the documents to the Licensee listed in Para 13 of this order.

- 4) After receiving the outstanding amount of arrears from the complainant Licensee is directed to provide new connection to the complainant's premises after observing existing Rules and Regulations of MERC.
- 5) Licensee is also directed to provide new connection to the complainant within stipulated time listed in Clause No. 10.3 of Regulation 2005 as elaborated in Para No. 13 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, 003, 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 : 05/05/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan