

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.15/2015

Date of Grievance : 05.05.2015

Date of Order : 02.06.2015

In the matter of delayed recovery of Permanent Disconnected arrears of bills.

The Chairman,
Clover Water Garden Co-op.Hsg.Socy., (Herein after referred to as Consumer)
Plot No.69, Road No.7, Kalayaninagar,
Pune-411006.

Complainant

Versus

Executive Engineer,
M.S.E.D.C.L.,
Nagarroad Division,
Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

**Chair person
Member Secretary
Member**

**Mr. S.N.Shelke
Mr. D.H.Agrawal
Mr. S.S.Pathak**

Appearance

For Consumer

**Mr. Shekhar Kulkarni,
Mr. Jayant Joshi,
Representative**

For Respondent

**Mr.G.M.Kadale, Ex.Engineer
Nagarroad Division.
Mr.Girish Bhagat, Addl. Ex.
Engr., Nagarroad S/dn.
Mr.A.S.Khan, Dy.Manager
(F&A)**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 07.03.2015 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance of the consumer, the consumer above named prefers this grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Nagarroad Division, Pune vide letter no. EE/CGRF/PZ/Notice/15 of 2015/171 dtd.05.05.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 20.05.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) The energy connection vide consumer no.160230228792 released on 4.12.2000 for Public Stair case & is stand in the name of The Chairman, Clover Water Garden Co-Operative Hsg.Socy.,Ltd.
 - ii) The energy connection vide consumer no. 160230228857 released on 04.12.2000 in the same premises for Public lift and also standing in the name of The Chairman, Clover Water Garden Co-Operative Hsg.Socy.,Ltd.
 - iii) The above mentioned connections bearing no.160230228792 was permanently disconnected due to non payment of arrears & bill was revised & corrected in June-2003 for amount of arrears of Rs.114478.87 & interest of Rs.21436.84 i.e. total payable of Rs.135915.51. At that time arrears of bills of Rs.135915.51/- was outstanding against the said consumer.
 - iv) The Licensee (CE, Commercial) issued Circular Vide No. P-com/Acctts/19021 dt.06.7.2013 in respect of guidelines for recovery of arrears from P.D. consumers according to Regulation No.10.5 of MERC Regulations 2005.
 - v) The Licensee issued notices to the consumer for recovery of said arrears on 14.7.2014 & 11.12.2014 by diverting the arrears on live consumer of the same name bearing consumer no.160230228857.
 - vi) The consumer challenged the said arrears & the notice by filing grievance application before IGRC, Rastapeth on 27.02.2015 & the IGRC rejected the said grievance vide impugned order 07.03.2015.
- 5) The consumer representative Mr.Kulkarni & Joshi submitted that they received 2 notices from the licensee dated 14.7.2014 & 11.12.2014 for

recovery of arrears of Rs. 1,33,278/- against the consumer no.160230228792. However, the said meter was installed in the year 2000 by the builder namely M/s.Secharia Real Estate Pvt. Ltd. but the Socy., namely Clover Water Garden Co-op.Hsg.Socy., came to be registered on 13.09.2001 vide no. PNA/PNA(2)/HSG/9TC/5370/2001 & the said society was handed over by the said builder in the month of Aug.2003. They further submitted that from 2003 to June-2014. They did not received any bill or any notice about outstanding bill of the said connection bearing no. 160230228792. Whereas they have been regularly paying all electric bills of consumer no. 160230228857. The arrears of bills of above mentioned P.D. connection are more than 12 years, therefore they are not liable to deposit said arrears of bills. Therefore the notices issued by the Licensee are illegal.

- 6) On the other hand Mr.Kadale, Ex.Engineer, Nagarroad Dn. submitted on behalf of Licensee that the energy connection vide consumer no. 160230228792 & the energy connection vide consumer no.160230228857 released on 4.12.2000 for Public stair case & public lift in the name of Chairman, Clover Water Garden Co-op.Hsg.Socy. The connection vide consumer no. 160230228792 was made P.D. in the month of June-2002 having outstanding arrears of bills of Rs.135915.51/-. After adjusting security deposit in June-2011 outstanding amount was of Rs.135515.51 & final arrears as per CPL is Rs.133278/-
- 7) The C.E. Commercial vide Circular no. P-com/Acctts/19021 dt.06.7.2013 has given guidelines for recovery of arrears from P.D. consumers and item no.4 of the said guidance reads as under.

4. In premises of any PD consumer in arrears, if there is other live connection of same PD consumer or of his legal successor found, then entire PD arrears with interest & DPC should be diverted on such live connection.

Therefore Mr.Kadale, further submitted that in view of above mentioned Circulars the Licensee issued notices to the said consumer on 14.7.2014 & 11.12.2014 for recovery of final arrears of Rs.133278/-. Since both the said connections are standing in the name of present consumer in the same premises. The connections vide consumer no. 160230228857 is live & the connection vide no. 160230228792 is P.D. therefore the consumer is liable to pay said arrears of bills & therefore grievance may be rejected.

8) The IGRC while rejecting the grievance of the consumer directed the consumer to pay the said arrears of bills under impugned order.

9) The only point that arise for our consideration is whether the said grievance can be entertained by the forum. Our findings to the said point is in the negative for the reasons stated below.

Admittedly connections vide consumer bearing no. 160230228857 & 160230228792 are standing in the name of Chairman, Clover Water Garden Co-op. Hsg. Socy. & the supply released to both said connections is on 4.12.2000. Both the said connections are in the same premises. The connection bearing no. 160230228792 was made P.D.in the month of June-2002 & bill corrected in June-2003 with Security Deposit adjustment in Jan.2011. The C.E. Commercial issued guide lines about recovery of arrears from P.D. consumers. Therefore the Licensee issued notices dated 14.7.2014 & 11.12.2014 to the consumer for recovery of arrears of Rs.133278/-. According to the consumer the said society came into existence on 13.9.2001 & the concerned builder handed over it in the month of Aug.2003 & therefore they are not liable to pay said arrears of bills.

10. The Forum has no jurisdiction to entertain certain types of grievances Regulation No.6.8 of MERC (C.G.R.F. & E.O.) Regulations, 2006 reads as -

6.8 If the Forum is prima facie of the view that any grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum :

(a) Unauthorized use of electricity as provided under Section 126 of the Act.

(b) Offences & penalties as provided under Sections 135 to 139 of the Act.

(c) Accident in the distribution, supply or use of electricity as provided under section 161 of the Act: and

(d) recovery of arrears where the bill amount is not disputed.

There grievance is about recovery of arrears of bills and therefore is excluded from the jurisdiction of the forum. Hence we answer above mentioned point in the negative. Parties are at literly to get redressed their grievance before the Competent Forum.

Lastly we pass following order.

ORDER

- 1) Grievance of the consumer stands rejected.
- 2) As regards recovery of the above revised P.D.arrears & interest thereon the Respondent is hereby directed to intimate the consumer the details of provisions/circulars with terms & condition.
- 3) No order as to cost.

Delivered on: -02.06.2015

D.H.Agrawal
Member/Secretary
CGRF:PZ:PUNE

Suryakant Pathak
Member
CGRF:PZ:PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE