

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

Case No. 15/2018

Date of Grievance : 13.04.2018

Date of Order : 29.05.2018

Hearing Date : 08.05.2018

In the matter of excessive demand of bill.

Shri.Balasaheb Dadarao Ghodke
Ghar No.1/344, S.No.38,
(Shambhu nagar)Keshavnagar,
Mundhawa, Pune- 411036.

- Complainant

Vs.

Ex.Engineer,
MSEDCL,
Bundgarden Division.

- Respondent

Present during the hearing

A] - On behalf of CGRF, Pune Zone,Pune.

- 1) Shri. A.P.Bhavathankar, Chairman, CGRF,PZ,Pune
- 2) Mrs.B.S.Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr.Anil Joshi, Member, CGRF, PZ. Pune.

B] - On behalf of Appellant

- 1) Shri. Balasaheb Dadarao Ghodke, Consumer.

C] - On behalf of Respondent

- 1) Shri. C.G.Chavan, AEE, Hadapsar Sub/dn.
- 2) Shri. S.N.Datar, A.A.

Consumer No.170014739486, Category- Industrial, B.U.4603, Hadapsar-I/
Bundgarden Division, Ghar No.1/344, S.No.38, (Shambhunagar) Keshavnagar,
Mundhawa, Pune- 411036. Complaint in respect of excessive demand of bill for
Rs.46020/-.

Above name consumer received bill issued by the respondent utility, giving his application on new connection of his residential premises. The above said premises previously owned by Shri.Kailassing Madhavsing Tanvari in the year 2008. Present name Shri.Rahul Vitthal Disale purchased the said property by sale deed. Thereafter the consumer executed the sale deed in the name of his son on

10.10.2013. Therefore the consumer made application to the respondent utility for new connection to his premises in proper format in the office of respondent utility. The consumer enclosed copy of sale deed dt. 10.10.2013 and requested for new connection to the premises in the name of his son. After received the said application the respondent utility objected for new connection on the ground that the arrears due on the premises. As the connection stands in the original owner Shri.Kailassing Madhavsing Tanvari, the respondent utility issued the bill to consumer being dissatisfied after receiving the same bill used the disputed. Consumer stated that sanctioned load shown in the bill is 5 HP (37 KW), Connecting load 12.75 HP (9.435 KW). In fact the sanctioned demand is 4 KVA and connection demand claimed 4 KVA. Therefore consumer stated that bill issued after making his application is wrong and excessive demand of Rs.46020/- is wrong and causing injustice to the consumer. Consumer submitted that in the April-2012 to Oct.2013 the bill issued in the name of original owner for industrial purpose. The supply was not continuing, in the meantime the consumer purchased the said property after original owner Shri.Rahul Vitthal Disale. Consumer however submitted that the bill issued claimed outstanding arrears of original owner in the month of Oct.2013 are wrong and illegal.

Initially the consumer made complaint to IGRC and raised the dispute, thereafter IGRC register the case, notice of hearing giving to the consumer on 16.2.2018. After hearing IGRC gave judgment against the consumer stating on the ground. The bill is prior to 2 years and cannot be rectified outstanding amount shown in the CPL and his application for new connection is not considered. Being aggrieved by the order of IGRC. Consumer filed complaint in Form No. A to this Forum and raised the dispute releasing new connection as per his application and bill issued by respondent utility for Rs.46020/- is wrong and illegal liable to set aside.

After file the complaint, office issued notice to the respondent utility and called for reply. After service of notice respondent utility appear and submitted that original connection was made PD in the month of Oct.2013, MRI data is not available. Respondent utility rely on the reply already given before IGRC and

stated that for new connection as per Regulation. If there are arrears outstanding in the premises under unpaid no fresh connection can be given. Respondent utility insisted for recovery of outstanding bill of Rs.46020/- from this consumer.

Consumer filed the copy of the Oct.-2013, March-2018 light bill, copy of Index-II purchase of property, copy of duplicate bill of Sept.- 2013 and copy of CPL. Consumer also file copy of sale deed, purchase the property of Mr.Disle, from Shri.Kailassing Madhavsing Tanvari and also copy of sale deed, purchase the property in the name of his son Parikshit B. Ghodke. I have perused all the document and filed by consumer and respondent utility carefully. The following points arose for my consideration which are as below -

1. Whether respondent utility can recovered due arrears of Rs.46020/- from this consumer Mr.Parikshit B.Ghodke.
2. Whether consumer is entitled for new connection.

Reasoning:

It appears in the beginning consumer made application to respondent utility apply for new connection for residential, after he purchased the property from Shri. Rahul Vitthal Disale. Copy of sale deed submitted by consumer Partikshit B.Ghodke revealed for all the dues already paid by seller Rahul Vitthal Disale. Therefore he is not liable to pay the earlier arrears. The bill generated by utility of Rs.46020/- both the period is not defined. The connection is already PD stands in the original name of Shri.Kailassing Madhavsing Tanvar. It is found that respondent utility issued bill to the present consumer application which did not reflect any arrears required to be paid by him. The said bill is generated by utility after lapse of sufficient time. I have noticed that the respondent utility not visited the site, not verified activity carried on premises. Whether connection is used for Industrial purpose or not merely the connection stands in the name of original owner and the use shown in the bill and the copy of CPL for industrial purpose created the bill and issued to the same. After verification of the said bill neither the said bill is used by this consumer nor is the period specifically mentioned in the bill. The recovery of the said bill appears more than 2 years and it is old recovery stands in the name of original owner. Therefore the said bill cannot be illegal or

cannot be recovered by this consumer. Therefore I am not inclined allow the said bill to be recovered from this consumer. Hence the said bill is liable to be quashed and set aside. As per Regulation time barred recovery cannot be permitted to be recovered under the head of bill due against original owner of the said premises. According to be the recovery should be legal and within limitation which lawfully recovered against this consumer. Hence IGRC and the utility both not justified in saying unless the recovery is paid. No new connection can be released. I disagree with the submission of utility. Therefore I give directions to utility to recovery the due against original owner by filing proper litigation according to law, so far as application for new connection after completion of due procedure and charges which is recover as per Regulations. Utility is directed to recover only new connection charges and fresh deposit but no previous arrears.

Hence I proceed to pass the following order:

ORDER

1. The consumer is 15/2018 is allowed.
2. The utility is directed to release the new connection after following due procedure and after payment of due charges of payment of deposit and cost of new connection only.
3. The utility is entitled to recover penalty load charges of Rs.46020/- against original owner by following due process of Law. The utility shall pay the compensation of Rs.1000/- for causing delay in releasing toward cost which can be adjusted.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree/Disagree

I agree/Disagree

I agree/Disagree

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

Sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF:PZ:PUNE

Sd/-
BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE