



Consumer Grievance Redressal Forum, Kalyan Zone  
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**No. K/E/1371/1617 of 2017-18**

**Date of registration : 17/05/2018**

**Date of order : 27/06/2018**

**Total days : 41**

**IN THE MATTER OF GRIEVANCE NO. K/E/1371/1617 OF 2017-18 OF A & Z INDUSTRIAL ESTATE CO.OP.SOCIETY FOR MR.ZAKIR A.KACHWALA, WELCOME DEV FIVE STAR, GOLANI COMPLEX, WALIV, VASAI (E), PIN CODE- 401 208 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN BILLING DISPUTE.**

A & Z Industrial Estate Co.Op.Society  
for Mr.Zakir A.Kachwala,  
Welcome Dev Five Star,  
Golani Complex, Waliv, Vasai (E),  
Pin Code- 401 208.

(Consumer No. 001840876850)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited,  
Through it's Nodal Officer,  
Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

**Appearance** : For Licensee - Shri.V.M.Gokhale, UDC, Vasai S/dn.

For Consumer - Shri.Vinay Vaze (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary  
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is

referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) The facts of the Grievance Application in brief are :-

The Consumer A & Z Industrial Estate Co.Op.Society situated at Welcome Dev Five Star, Golani Complex, Waliv, Vasai (E) has filed this grievance application regarding exorbitant bill (accumulated bill of 13 months) issued by Licensee in the month of Jan-2018 for an amount of Rs.2,98,615/-

According to the Consumer actually the amount are the arrears standing in the name of previous occupier and it is not liable to pay this amount. Consumer lodged an initial complaint in this regard on 21/02/2018 with the Licensee. On it's complaint Licensee revised the bill to Rs.2,87,720/- and onetime payment was demanded by the Consumer.

Consumer submitted that meter no.06506489302 is provided to the Consumer by the Licensee, initially this meter was standing in the name of one Mr.Zakhir Kachwala . Consumer mentioned that it has also applied for change of name.

Consumer stated that it is liable to pay a legitimate amount as per Regulation 10.5 of MERC (Supply Code and Other Condition of Supply) 2005 Consumer further submitted that though Licensee has revised its bill, it was not able to pay such a huge amount, hence Licensee disconnected it's supply 24/02/2018 that too without notice. Consumer therefore approached CGRF on 27/02/2018 and as per the oral instructions of CGRF Consumer's supply was reconnected after Consumer paid an amount of Rs.50, 000/- and also reconnection charges of Rs.236/- on 27/02/2018.

Consumer further contended that in the month of Feb-2018 it received a bill of Rs.13,335/- showing arrears of previous occupier of Rs.2,86,655/- (Total bill is for Rs.2,99,990/-) out of this bill Consumer has already paid Rs.50,000/-.

It is the submission of the Consumer that he has approached IGRC on 01/03/2018 for the exorbitant bill issued by the Licensee and requested to issue a bill of legitimate amount as per Regulation 10.5 of MERC Supply Code. According to the Consumer he is liable to pay an amount of only last six months. Not satisfied by the redressal of IGRC Consumer approached CGRF.

Consumer submitted that though his bill was revised by the Licensee from Rs.2,98,615/- to Rs.2,87,720/- it is entitled as per Regulation 10.5 of MERC Supply Code to pay the amount/arrears for the last six months only.

Consumer also mentioned in his letter dtd. 12/04/2018 that it has received a bill in the month of March-2018 for zero units and zero amount. However Consumer has not sought any relief in this regard in his grievance application.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/222 dt.17/05/2018 to which Licensee appeared and filed reply on date 30/05/2018.

A bill of Jan-2018 for '24053' units was issued to the Consumer. In the month of Nov-2017 a bill to for '1208' units considering the reading from the new meter and old meter was issued to the Consumer After receiving the complaint from the Consumer the bill was revised on 24/02/2018 for an amount of Rs.2,87,720/- of '24836' units and a slab benefit it of 13 months ('1910' unit per month)

Licensee further submitted that the bills for the period from Jan-2017 to Oct-2017 have been issued to the Consumer as per the consumption pattern of new meter.

Licensee mentioned that society has submitted a copy of it's registration but change of name has not taken place from Shri.Zakir Kachwala to A & Z Industrial Estate Co.Op.Society Ltd.

4) We have heard the arguments by both the parties and perused the documents on record and we are of the opinion that Consumer's responsibility to pay the arrears of the previous occupier is limited to last six months only as per regulation 10.5 of MERC Supply Code. It reveals from the documents on records that Licensee directed the Consumer society to pay full amount of arrears of previous occupier. After Consumer's complaint the amount was revised from Rs.2,98,615/- to Rs.2,87,720/- when the Consumer was not able to pay this amount his supply was disconnected without notice. When it was revealed to the Consumer that his responsibility was to pay six months electricity charges of the previous owner as per regulation 10.5 of MERC Supply Code. He again made correspondence to the Licensee. But no action taken by the Licensee on it's application even on repeated follow up by the Consumer. We have noted that Society is registered on 09/11/2017.

In this connection we have gone through the relevant Regulation 10.5 MERC Supply Code Which is reproduced as under :-

**10.5** *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.*

Taking into consideration all the above facts and the Regulation 10.5 of MERC Supply Code. We are of the opinion that Consumer is liable to pay an amount of last six months only of the previous owner.

Hence the order.

**ORDER**

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee is directed to recalculate the amount of the bill of the Consumer prior to 09/11/2017 for six months and issue a fresh bill to the Consumer without DPC and interest. While calculating the amount Licensee to take into consideration the amount of 50,000/- paid by the Consumer.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Dated : 27/06/2018

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

(A.P.Deshmukh)  
MemberSecretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan.

**NOTE**

- a) *The consumer if not satisfied, may file representation against this order before the Hon. 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”.*

- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*

- c) *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”*

- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

