

PHONE NO. : 25664314/25664316
FAX NO. 26470953
Email: cgrfbhandupz@gmail.com
Website: www.mahadiscom.in

Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/83/

Date:

Hearing Date: 12.06.2018

In the matter of Billing.

CASE NO.83/2018

Shri. Kantilal Lakhmshi Maru,
S. No.115,Hissa No.2, Haria,Esate,
Narpoli-2,Bhiwandi-421302.
(CONSUMER NO.1301215807)

. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
Bhiwandi Circle, Bhiwandi

. . . . (Hereinafter referred as Licensee)

Appearance : For Mr. R.R. Beloskar,
Executive Engineer, Bhiwandi,

Shri. S.K.Dhope, Addl. EE, Bhiwandi

For Consumer – Shri. Sajid Ansari
Mr. Adil Punjabi

Consumer Representative

[Coram- Dr. Satishkumar Jaiswal - Chairperson, Shri. R.S.Avhad -Member
Secretary and Sharmila Ranade - 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 Redressal 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 Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity.

2. The consumer No.13012151807(LTPG) this application is filed by Kantilal Lakhmshi Maru on 13.03.2018 alleging that they have submitted there grievances to distribution licensee within time but they are not satisfied the remedies provided by this distribution Licensee as remedy was provided within two months from the date of original intimation.
3. He further submit that he has purchase the sale property and registered on on the 31st March 2016. The sale deed is attached. The meter No. 45231909 has been installed in this property when he has brought this property; with consumer No.13012151807 LTPG. Electricity bill's copy attached. The MSEDCL arrears shown are Rs. 14,50,531.93 (as per August 2017 Ele. Bill)
4. He further submitted that as per section 10.5 with read 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 cases 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:

5. The very fact of the arrears have accumulated to this huge amount of Rs. 14,50,531.93 as per the bill of August 2017 and this pending arrears recovery ought to have been safeguarded by informing the concerned registration departments. But due to total negligent attitude of MSEDCL in not disconnecting this power connection with notice as per section 56(2) of Electricity Act 2003.
6. It is therefore requested by consumer that to provide him a bill of MSEDCL of arrears of maximum six month periods as per section 10.5 of Maharashtra Electricity Regulatory Commission Regulation 2005. He also provides him Commercial circulars benefit. He also prayed to penalize the concerned officer who has failed to disconnect this power connection as per section 56(2) E.A. 2003 resulting in arrears of Rs. 14,50,531.93. It is sincerely requested of you to provide me a bill of MSEDCL arrears up to maximum of 6 months period only as per above cited section 10.5 of Maharashtra Electricity Regulatory Commission Regulation 2005. To provide the circular as mentioned in the IGRC order. To penalize the concerned officials who have failed to disconnect this power connection as per section 56 of electricity Act. 2003 resulting in the accumulation of the arrears to become RS. 14,50,531.93/-.
7. Superintending Engineer Bhiwandi filed their reply dtd. 09.06.2018, 19.06.2018 contending that in order to implement the condition of 10.5 MERC Regulation 2005 and commercial circular dated 07.05.2007 issued by MERC Regulation 2005. It is necessary for the consumer whose premise is purchased to auction where in this case it is not an occasion by the court of tribunal.
8. Here is the sale deed which confirms that the vendor will be responsible for clearing the old dues. He further submitted that in clause no 8 itself shows that the vendor had paid all "The vendor had paid all rates, taxes &

cesses and charges payable to the concerned Authorities and Revenue Authorities up to the date and, same are found due and payable, the Vendor shall be liable to pay to the concerned Authorities up to the date of this Sale Deed."

He further submitted that Commercial circular no. 53 dt 07.05.2007 indicates that the recovery under condition 10.5 of MERC regulation 2005 requires the consumer to be Temporary Disconnected for considering the reference date and further guides to extreme cares to protect the arrears. And such the original owner is Kantilal Laxman Maru (the date of release of connection is 20.02.1996) and the property was sold by Shri Rajendra Damodar Shah to Shri Vinod S. Mittal in 1998 and Finally, it was Shri Ashish Rajendra Prasad Bajaj, who is asking for waiver of arrears of Rs. 14,72,680/- as per section 10.5 of MERC regulation 2005.

9. He further submit that the waiver of arrears under section 10.5 who itself in wrong application as per MSEDCL guideline. The amount is not waived off but will be recoverable for entire arrears along with Interest at the prevailing rate till the decision of Hon'ble Supreme Court as the matter is under litigation in Hon'ble Supreme Court and awaiting decision in appeal no. 5312-5313 of 2005 with Civil appeal no. 5314 of 2005, SLP No. 10732 of 2006 and SLP no. (C) no. 6068 of 2006.
10. The consumer submitted the point of argument in writing of 19.06.2018. I have gone through it and heard Mr. Dhope, Addl. Executive Engineer, Bhiwandi respondent Shri. Sajid Anasari at length.
11. It appears from submission of both sides and the document on record that the arrears claim by the respondent against applicant/appellant is of Rs. 1450531.93/-. It is also admitted fact that the applicant has purchase the property from the earlier vender of the land is M/s. EC fabrics project proper Mr. Vinod S. Mittale as per sale deed dated 31.06.2016 and the purchaser of Shri. AShish Rajendra Prasad Bajaj and Smt. Chadani

Ashish Bajaj as per registered sale deed the applicant become absolute owner of the property and as per section 10.5 of MERC Regulation 2005 the liabilities transfer under Regulation 10.5 shall be restricted to maximum period of 6 months of the unpaid charges of such premises. Therefore I found the application is proper one and the respondent shall take legal action the earlier owner about the remaining recovery. Hence proceed to pass order.

ORDER

1. This application is hereby allowed.
2. The applicant is entitled to pay the arrears of Maximum of 6 months period only as per section 10.5 of MERC Regulation 2005 for continuation of electricity connection.
3. Respondent to take separate action about remaining recovery against earlier owner.
4. No reconnection charges and DPC & interest recovered from consumer.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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,

Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"

- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.