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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 102/ 708    Date: 26.11.2018

**Hearing Date: 11.09.2018**

**CASE NO.102/2018**

**In the Matter of billing**

M/s. Varadhasta Plastics and Packing Pvt. Ltd.,  
Plot No. A-662, TTC Industrial area,  
M.I.D.C. koperkhiarne,  
Navi Mumbai- 400710.  
(Consumer No.000149025450)      . . . . (Hereinafter referred as Consumer)

Vs  
Maharashtra state Electricity Distribution Company Ltd  
Through it's Nodal Officer,  
Vashi Circle, Vashi      ..... (Hereinafter referred as Respondent)

Appearance

For Consumer :-    Atul M. Chowkhar.

Representative for Respondent :-D.B.Pawar Executive Engineer, Vashi Circle.

[Coram- Dr. Santoshkumar 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 subsection 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] Here in after 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. This application has filed by M/s.Varadhasta Plastics and Packing Pvt. Ltd. alleging that there is wrongful collection of arrears by MSEDCL dated 06.01.2017. The complaint alleged that the amounting of Rs. 80200/- has been collected in Dec. 2016 and on questioning, the Superintendent Engineer gave the explanation vide letter dtd. 10 Nov. 2017 that there was a LT connection in the name of Monarch Textiles Pvt. Ltd and the said amount Rs. 80,200/- is arrears and not paid by M/s. Monarch Textiles Pvt Ltd., during the time of its permanent disconnection. The complaint alleged that they have no association or relation with M/s Monarch Textiles Ltd., The applicant further alleged that they have taken possession of the property there is no MSEDCL connection existing and they have filed fresh HT connection on 08.04.2005 they have signed it agreement on 15.10.2018. He further alleged that they I have no justification for debiting the said amount Rs. 80200/- and that too after 15 years the same has no bearing was save on agreement is in isolation. Complaint further alleged that in spite of several follow up not received any positive response. There last resort, approaching the MINISTRY he has approaches this Forum to resolve the matter.
3. The Respondent has filed the reply dated 17.07.2018 alleging that they have given new connection to M/s. Monarch Textiles Pvt Ltd., under Airoli Sub Division dated 04.01.2001 and the said consumer was PD in 2005. During this period the Airoli Sub Division is attach to Koper Khairne Sub division the M/s.

Monarch Textiles Pvt Ltd., was PD consumer having arrears of Rs. 80,120/- .The Respondent further submitted that the circle of received the list of LT PD consumer having live HT connections. On the same basis, Circle office has put up note & approved for transfer of LT PD arrears to Circle HT consumers vide office Note Dtd., 02.01.2017.

4. The respondent further submitted that as per approval note Dtd.02.01.2017 i.e. “arrears of LT PD consumer now having live connection in H.T” At Plot No. A-662, TTC-MIDC, Mahape. In addition to that, as per letter Received form Adl. Executive Engineer, KK Sub Division Vide No.1448,Dtd.02.06.2017 arrears of LT PD consumers no. 000149025450, M/s. Monarch Textiles Pvt Ltd., now having live connection in HT Varadhasth Plastic & Packing Ltd., at Plot No. A-662, TTC-MIDC, Mahape. Circle office has given clarification about Rs. 80120/- levied in electricity bill to the consumer as per letter No. SE/Vashi/HTB-06/006274,dtd.10.11.2017. Hence they have submitted that the amount of Rs. 80120/- is to be levied has to the complainant being the new owner.
  
5. Heard both sides at length and gone through the evidences on record it appears admittedly that previously that connection was LT and in the name of M/s. Monarch Textiles Pvt Ltd., it is admitted fact that the complainant have take over this property and his HT connection in the year 2005. As a new transfer owner under such circumstances the provision of 10.5 permits to recover the arrears the earlier PD connection for a period of 6 months only. 10.5 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:

Provided that, except in the case of transfer of connection to a legal heir, the liabilities transfer under this regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for the electricity supplied to such premises”

Hence I relied on section 10.5 and held that the complaint is liable to pay arrears of 6 six months from the earlier bill. Hence I pass following order.

### **ORDER**

1. This application is partly allowed.
2. The applicant is entitled to pay the six months arrears form the old PD connection.
3. The respondent utility is hereby directed to recover only six months arrears from the complainant and adjust the refund amount in future bills.
4. The compliance of this order shall be reported to this Forum within one month from receipt of this order
5. 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, 13<sup>th</sup> 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.