



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/DOS/78/1731 of 2017-18

Date of registration : 03/11/2018

Date of order : 26/12/2018

Total days : 53

IN THE MATTER OF GRIEVANCE NO. K/DOS/78/1731 OF 2017-18 OF M.K. BULK MOVERS (PROPRIETOR MR.MANOJ SINGH), GUT NO.41 (P), S.NO.37, GHONSAI-MET, TAL -WADA, DIST. PALGHAR, PIN CODE- 401 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

M.K. Bulk Movers (Proprietor Mr.Manoj Singh),
Gut No.41 (P), S.No.37,
Ghonsai-Met, Tal -Wada,
Dist. Palghar, Pin Code- 401 303
(Consumer No. 011290000736)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.D.R.Wattamwar, Dy.EE, Wada S/dn.

For Consumer - Shri. V.K.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 Regulations 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) Consumer herein is M.K. Bulk Movers having Consumer No. 011290000736. Grievance is as follow :

Detailed Complaint

That the premises was of M/S K.V. Industries, the initial HT Consumer was having HT connection No 010519022570. The supply of the said consumer was PD due to arrears. The said premises was purchased by one M/S Swami Samartha in March 2010. The said swami Samartha sold out it to one M/S Color Tune in month of July 2011. M/S Color Tune took LT power supply on 20/04/2012. The said Color Tune sold out the premise to me in the month of December 2013 with said LT power connection. We got the name changed as Bulk Movers who is the existing consumer. As up to the month of June-2018 there was no problem with me from MSEDCL.

All of sudden in the month of June 2018, MSEDCL Wada S/Dn. Issued me one notice bearing No.1370 dtd.15/06/2018 asking me to make payment of outstanding dues of Rs, 503220.68 pertaining to the old HT PD connection. It was supported by the inspection report carried out by FS unit Vasai. Dtd.25/05/2018 on account if non payment of the notice amount, the supply was disconnected in June 2018 itself. Here it is to point out that MSEDCL has neither insisted the said claims from Swami Samartha (First Purchaser) nor from Color Tune (The Second Purchaser). The said notice was issued under reg.10.5 of MERC Supply code 2005. As per the said regulation, the incoming consumer is supposed to pay arrears limited to the period of six months only out of total arrears. The said HT connection was PD in Feb-2002 only. Accordingly the incoming consumer is liable pay last six months unpaid bills only which are as under.

<i>February 2002</i>	<i>Rs.25410/-</i>
<i>January 2002</i>	<i>Rs.40462/-</i>
<i>December 2001</i>	<i>Rs.27440/-</i>
<i>November 2001</i>	<i>Rs.29670/-</i>
<i>October 2001</i>	<i>Rs.29743/-</i>
<i>September 2001</i>	<i>Rs.29924/-</i>
Total	Rs182649/-

So I am liable to pay the part of arrears Rs.182649/- only. However incidentally this is to point out that same type of exercise claiming the old dues from me was made by Wada S/Dn. raising debit of Rs.329566/- in my bill for the month of July 2014. I had paid the dues as under.

Rs.300000/- Receipt No. 1266576 dtd.26/08/2014

Rs.29566/- through subsequent bills on 16/10/2014

It means MSEDCL has already recovered Rs. 329566/- from me. Adjusting the above liability of six months Rs. 182649/- the amount of Rs.146917/- should come as credit to my account which MSEDCL is supposed to refund me or adjust against my subsequent bills.

Having this background, the notice served particularly under regulation 10.5 of MERC supply code 2005 stands bad in law and thus the disconnection effected is also illegal and unlawful. It is therefore prayed to reconnect my supply immediately pending the settlement of the dues as above in due course. As I am suffering a lot due to stoppage of my industry.

3) Distribution Licensee in reply states as under :

In connection with above subject and reference the compliance of Grievance case No. K/DOS/78/1731 of 2017-18 CGRF in respect of M/S M.K.Bulk Movers Gut.No.41(P), S.No.37, Ghonsai, Met, Tal. Wada ,Dist . Palghar as given below.

M/S K.V. Industries, HT Consumer was having consumer no.010519022570,was permanently disconnected due to arrears .The said premises was purchased by M/s Swami Samartha in March 2010.The said Swami Samartha sold out it to M/s color tune in the month of July 2011.M/S color tune took LT power supply on 20/04/2012.The said color tune sold out the premises to M/S M.K.Bulk Movers with said LT power connection having consumer No-011290000736. M/S M.K.Bulk Movers changed the name on bill who is the existing consumer .

The arrears of H.T. Permanently disconnected consumer M/S K.V. Industries was 5,03,220.68 .The Additional Executive Engineer ,Flying squad Vasai inspected the HT Permanently disconnected consumer M/S K.V. Industries ,Sr.No.37 ,Ghonsai ,Met Tal. Wada ,on 25/05/2018 and found that LT supply in the premises of HT PD consumer ,that M/S M.K.Bulk Movers having consumer No-011290000736 .

Then Notice issued to M/S M.K.Bulk Movers to pay the arrears as per MERC (Supply lode and other condition of supply) Regulation 2005 section 10.5 But M/S M.K.Bulk Movers was not paid the arrears so electrical supply was disconnected in the month of June 2018.

M/s Swami Samartha Engineers submit request application to M.S.E.D.C.L. Vasai for one time settlement of arrears in respect of M/S K.V. Industries .But they not paid the arrears.

As M/S M.K.Bulk Movers are new owner of arrears premises ,as per MERC regulation 10.5 ,the notice issued for payment of arrears is correct.

In the month Feb – 14 Net bill generate consumer was 2,81,263.17. The consumer give cheque of Rs – 2,86,890 on 13/03/2014 and cheque of Rs. 30410/- In April 2014 but all cheques are Bounced. Because of Cheque bounce (Rs. 136890 + Rs. 150000) of Rs. 286890/- And cheque of Rs. 30410/- Total Amt. with penalty of Rs. 329566.44 was debited in the month of July 2014.So the said connection was disconnected in the month Aug – 2014 .Consumer paid the amount Rs. 3,00,000 with reconnection charges on 26/08/2014 ,then supply was reconnected. Hence the debit Amount Rs. 3,29,566.44 was not the arrears of Old HT PD consumer M/S K.V. Industries .

4) *We have heard both sides. Admittedly the arrears claimed from present consumer are of original owner of the premises by name K.V. Industries and are of the year 2002. K.V. Industries sold the premises to M/S Swami Samarth in March 2010 who in turn sold it to M/S Color Tune in July 2011 who further sold it to the present consumer with erstwhile name in 2013 which they have changed to Bulk Movers.*

5) Now who is liable to pay the dues of K.V. Industries Distribution Licensee claims the same from present consumer totally which is basically not permissible because of Regulation 10.5 of Supply Code even 10.5 of Supply Code runs thus :

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.

6) As we find present consumer is the transferee of M/S K.V. Industries as such 10.5 can be invoked against him. Thus only 6 months bill prior to permanent disconnection can be recovered from present consumer from the arrears of M/S K.V. Industries. Consumer is also agreed to pay the amount of Rs.182649/- against the permanent disconnection arrears.

Hence the order.

ORDER

- 1) Grievance application of consumer is here by allowed.
- 2) Consumer is liable to pay only 6 months bill amount prior to permanent disconnection of previous consumer.
- 3) Supply is already reconnected.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 26/12/2018

(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.*