



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1609/1944 Of 2019-20

Date of registration : 23/09/2019

Date of order : 01/11/2019

Total days : 39

IN THE MATTER OF GRIEVANCE NO. K/E/1609/1944 OF 2019-20 OF SHRI.MOHAMMAD ARSHAD IRSHAD KURESHI, M/S SUPER BOOK, MANUFACTURING CO. PLAT NO.48/49, GUT NO. 984, OLD SATPATI ROAD, VILLAGE SHIRGAON, PALGHAR (W), AMBIKA UDYOG NAGAR, PIN - 401 209 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF NOTICE.

Shri.Mohammad Arshad Irshad Kureshi,
M/s Super Book, Manufacturing Co.
Plat No.48/49, Gut no. 984, Old Satpati Road,
Village Shirgaon, Palghar (W),
Ambika Udyog Nagar, Pin - 401 209
(Consumer No. 003060007224 LT-Ind.) . . . (Hereinafter referred as Consumer)
V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Palghar Circle, Palghar . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.S.P.Kolhe, Dy.EE., Palghar S/dn.

For Consumer - Shri.Ramchandra Pandey (C.R.)

[Coram- Shri. A.P.Bhavthnkar -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 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 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 complaint No. 1944 of 2019 Shri.Mohammad Arshad Irshad Kureshi, for M/S Super Book, Manufacturing Co. Plat No.48/49, Gut No. 984, Old Satpati Road, Village Shirgaon, Palghar (W), Ambika Udyog Nagar, Consumer no. 003060007224 V/s Addl. Executive Engineer Palghar, Sub division, Category of supply 36 LT-V, B-II connecting load 107 HP, date of connection 23/08/2014. Complaint about recovery of old Permanent Disconnection arrears of previous owner. The above name consumer received notice under section 56 (1) of IE Act along with demand bill Rs.7,07,120/- on dtd.06/09/2019. After receiving the said bill consumer filed grievance directly to this forum as threat of disconnection under section 56 (1) of IE Act notice was received. According to consumer he received provisional bill of Rs.838549.76 till Jan-19 stating by utility that consumer use the said supply since date of connection charging wrong MF. However after the inspection consumer found use of the said supply which was not properly charged earlier. It is charged as MF-1 instead of MF-2. Therefore the supplementary bill issued by Respondent utility along with notice of disconnection. After filing the said dispute the office issued notice to respondent utility on 23/09/2019 directing to file reply on or before 25/09/2019. Reply from utility is still awaited consumer attached of the notice along with supplementary bill and copy of sale purchase agreement dtd.26/10/2017, which was executed by previous owner and registered on 26/10/2017. Respondent utility filed extract of notice and details of assessment bill. On 25/09/2019 Consumer Representative and respondent utility was heard.

After perusing rival contention following point arose for my consideration to which I have recorded my finding to the points for the reason given below :

Points :

- i) Whether Respondent utility entitled to recover MF arrears from previous owner.
- ii) Whether respondent utility can recover MF arrears from this consumer, if yes, to what extend?
- iii) What order?

Reasoning :

It appear that, respondent utility while inspection of said premises found wrong MF. It was applied previously therefore supplementary bill was issued for amounting Rs.838549.76 from the April-2016 to Dec-2018. Respondent utility also issued threat of disconnection directing M/S Super Book, Manufacturing Company to pay the said bill. Being aggrieved by the said assessment of bill the present dispute raised by consumer before this forum.

As the consumer also filed the copy of agreement which is executed by this consumer from earlier owner of the premises and that power of attorney the name of executer Uniplast Enterprises through director Nitin Bhavanji Sawla. The said agreement is dated 26/10/2017 since execution of this agreement the present consumer enter into premises and started using the

supply for his own use, therefore the assessment of period which is claimed by utility under the notice should have been restricted to the present consumer since date of execution of conveyance deed on 26/10/2017. Accumulated remaining arrears which was claimed under the threat of notice should have been recovered from the previous occupant instead of that respondent utility insisted this consumer to pay the arrears, which is not correct. The liability prior to execution of conveyance deed cannot be fixed on the present consumer as it false in the category of previous arrears. Therefore the respondent utility required to file separate litigation in competent court of law for recovery of earlier dues from previous owner.

It is submitted by consumer the dues which is claimed by utility restricted to his occupation period is already deposited. As such the liability is already fulfilled by this consumer. Therefore the effect of notice for claiming earlier arrears should have been waived and notice of disconnection cannot be enforced for the reason of non payment against this consumer. In this circumstances I am inclined to allowed the complaint of consumer and proceed to pass following order.

Hence the order

ORDER

- 1) The Consumer complaint no.1944 is hereby allowed.
- 2) Respondent utility entitled to Recover MF-2 arrears from this consumer since 26/10/2017 onwards.
- 3) Respondent utility entitled to claim the arrears from previous owner by filing appropriate proceeding in competent court of law.
- 4) No order as to the cost.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 04/11/2019

Sd/-
(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan

Sd/-
(A.P.Bhavthnkar)
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.