

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
RELIANCE INFRASTRUCTURE LIMITED**

Sr.No. 15/2016 Mr.Mohd.Javed Abdul Wahid Shaikh , Room No.A/1, Buddhu Master Chawl No.473, New Mill Road, Kurla West, Mumbai 400 070. Tel. 9987822959.

A/c.No. 150546725, , LT-I (Resi), East Division

Order dated. 20thOctober, 2016.

PRESENT

1. Mr. Vilas S Dixit,- Chairman
2. Mr. Rajiv Nakhare, Vice President (Rlnfra) - Member
3. Mr. Satyanarayan Rajhans, Member

On behalf of M/s. Reliance Infrastructure Limited

1. Mr. Mritunjay Jha, Dy.General Manager (Corporate Legal) Nodal Officer
2. Mrs. Poornima Niralay, Asst.Vice President, East Division
2. Mr. A.D.Palande, Sr. Manager, East Division

On behalf of Applicant / Complainant

1. Mr. Mohd. Javed Abdul Wahid Shaikh
2. Mr. Shahid Abdul Wahid Shaikh (Brother of the Applicant / Complainant)
3. Mr. Nizam Ali (Representative of the Applicant / Complainant)

Being aggrieved by the order passed by IGR Cell, the Applicant / Complainant – Mohd.Javed Abdul Wahid Shaikh, filed the present grievance application before this Forum.

The Contention of the Applicant / Complainant, in short, is that the C.A. No.100370450 was standing in the name of his grandfather Mr.Abdul Budhu. It is his contention that the pending bill amount / arrears of the C.A. No. 100370450 standing in the name of his grandfather was transferred to his account bearing C.A. No. 150546725. It is also his contention that he is not liable to pay the outstanding amount / arrears which was in the name of his grandfather. He also contended that this amount of unpaid bill of his

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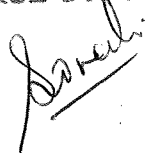
grandfather was transferred without any intimation to him. It is also his contention that his supply was disconnected due to non-payment of the outstanding / arrears of the bill. It is his contention that the consumption of the unbilled meter was not used by him and so he is not liable to pay the same.

On the other hand, it is the contention of the Utility , Reliance Infrastructure Ltd.- Reliance Energy(Rlnfra) that the Meter No. 3143215 , C.A. No. 100370450 was registered in the name of the grandfather of the present Applicant / Complainant Mr.Abdul Budhu installed at premises No.473, Budhu Master Chawl, Old Agra Chawl, New Mill Ward, Kurla, Mumbai 400070. This meter remained unbilled from February, 2000 to January, 2014 and subsequently the bill was raised for 6,526 Units for Rs.1,04,920/-. Rlnfra further alleged that the meter reader reported that Meter No.3143215 is an extra meter having consumption recorded 19,170 Units. Subsequently, a site visit was conducted and notices were issued to the registered consumer but there was no any reply from him.

It is also the contention of Rlnfra that the Applicant / Complainant herein and his brother Shahid Abdul Wahid Shaikh, obtained the separate new electric connection under their respective names at the same premises. Even if this is so, the Applicant / Complainant and his brother were also using electric supply through the Meter No. 3143215 of C.A. No.100370450 having consumption average of 650 Units to 780 Units per month but did not pay any amount. Hence, the bill was accumulated to the tune of Rs.1,22,603=74 (Rupees One Lac Twenty Two Thousand Six Hundred Three and Paise Seventy Four Only). Subsequently, the Meter No.3143215 of C.A. No.100370450 got disconnected and removed.

It is the contention of the Utility Rlnfra that the dues of Rs.1,22,603=74 pertaining to the C.A.No.100370450 were transferred to the consumer account of the present Applicant / Complainant and his brother in equal ratio.

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The dues transferred were pertaining to the actual consumption recorded on the meter and, the Applicant/Complainant and his brother, being the legal heir of Mr.Abdul Budhu are liable to pay the same.

RInfra is relying on Regulation *Clause 10.5* of the *Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply), Regulations, 2005*, which in short says that ***“any charge for the electricity or any sum other than a charge for electricity due to the Distribution Licensee which remained unpaid by the deceased consumer shall be charged on the premises transmitted to the legal representative / successor-in-law....”***


In short, it is the stand of RInfra that the arrears of the dues are properly transferred to the account of present Applicant / Complainant and his brother and there is no any illegality or irregularity in the same and as such the present application deserves to be rejected.

This Forum heard the Applicant / Complainant, along with his brother & representative the Nodal Officer and also the representatives of RInfra.

The Applicant / Complainant submitted that the meter bearing C.A.No.G-05420000 situated at the said place was in the name of his grandfather. The premises was vacant from 1997 or 1998 to 2003. Thereafter, somewhere in the year 2003 / 2004 he lodged a complaint with the office of the utility-RInfra. In May'2007, new electric connection was obtained in the name of the Applicant / Complainant Mohd. Javed Abdul Wahid Shaikh bearing C.A.No.150546725. It is also his contention that the arrears of the bill was transferred partly to his (Applicant's) account and the account of his brother Shahid Abdul Wahid Shaikh. It appears that the Applicant / Complainant and his brother paid the last bill in February'2015. In short, it is his contention that he and his brother had paid the bills pertaining to their meter no(s) and so they are not liable to pay any arrears of the bill pertaining to their grandfather.

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On the other hand, it is the contention of the Nodal Officer & representatives of RInfra that the meter which was in the name of grandfather remained unbilled for near about 14 years and when this fact came to the knowledge, the bill for 6526 Units for Rs,1,04,920/- was raised against the consumption of the electricity as electricity was actually consumed. In the year 2013, this fact came to the knowledge of one meter reader of RInfra that there is an extra meter showing the consumption of 19170 Units which was found at the same premises. It is their contention that all the legal formalities were observed and complied with before transferring the arrears of the bill of their grandfather to the account of the Applicant / Complainant and his brother and also when their meters were removed for non-payment of the outstanding bill.

The Nodal Officer and the representatives of RInfra also brought Regulation *Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply), Regulations, 2005*, to the notice of this Forum and submitted that even otherwise the Applicant / Complainant and his brother being legal heirs of their grandfather are liable to pay the said amount.

The Nodal Officer and the representatives of RInfra submitted that in view of this Regulation *Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply), Regulations, 2005*, the Applicant is liable to pay the entire amount.

From the above facts and the submission one thing is certain that there is no dispute that the Applicant / Complainant and his brother are residing on the same address where their grandfather was living. From the submission, one thing is also certain that the grandfather of both, i.e. the Applicant / Complainant and his brother, expired in 2005. It also appears that one meter which was in the name of their Uncle was transferred in the name of the brother of the Applicant / Complainant -Shahid Abdul Wahid Shaikh but there is no dispute about the billing of this account till 50% of the outstanding of grandfather's account is transferred to his account and it also appears

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that the Applicant / Complainant , Mohd.Javed Abdul Wahid Shaikh took new connection in May'2007.

It is not the contention of the Applicant / Complainant Mohd.Javed Abdul Wahid Shaikh that there was no electric supply to their premises after the death of his grandfather. This clearly means that electric supply must have been used through the electric meter which was in the name of the grandfather of the Applicant / Complainant which remained unbilled.

From the above, this Forum feels that there is no substance in the contention of the Applicant / Complainant that the bill of the grandfather was illegally transferred to his account.

From the submission of the representatives of RInfra , it also appears that so long as there was a meter in the name of the grandfather, the maximum load was on this meter but when this meter (which was in the name of grandfather) was removed, the load was transferred in the meter of the Applicant/ Complainant. From this, it also appears that the Applicant / Complainant must be using the electricity supply from this meter and hence, this Forum feels that there is no substance in the contention of the Applicant / Complainant that the amount of outstanding bills of their grandfather was illegally transferred to their account.

In view of the *Regulation Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply), Regulations, 2005*, also the Applicant / Complainant and his brother being legal heirs of their grandfather are liable to pay the outstanding arrears.

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Regulation Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply), Regulations, 2005, reads as below :

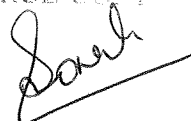
“ Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner / occupier of any premises, as a case may be , shall be a charge on the premises transmitted to the legal representatives / successors-in-law 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.”

In view of the above observations and while disposing of this present application this Forum feels it necessary to raise the concern about the following points :

- The C.A.100370450 of grandfather remained unbilled from February'2000 to January'2014 .
- While releasing the connection to the same premise in 2007, the existence of the meter to the same premise was not noticed and subsequently this was noticed only in the year 2013.

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Therefore, the Forum feels it necessary to direct the Nodal Officer to review the process of the billing of meter and releasing the new connection.

In view of the above observations the following order is passed.

ORDER

The present grievance application stands disposed off.

No order as to cost.

Dated: 20.10.2016
MIDC, Mumbai

sd/-

Vilas S Dixit
Chairman - CGRF

sd/-

Rajiv Nakhare
Member - CGRF

sd/-

Satyanarayan Rajhans
Member - CGRF

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