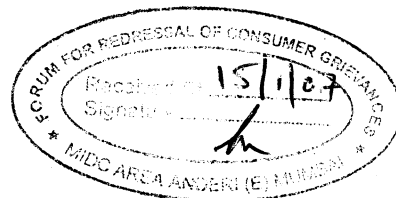


FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES.

(to be submitted along with schedule A)

17/2006

1	Name of the Applicant:- (in block letters)	DEEPAK R. GAJRIA
2	Contract Account/Application No	Account No. 150250298
3	Division	SOUTH CENTRAL
4	Tariff Category (LF1, LF2.....)	LF 2
5	Nature of Complaint. (Excess Billing, Supplimentary bills, Tariff change....)	DEMAND FOR ARREARS FOR NEW CONNECTION
6	Disputed amount	Rs 11,322/-
7	No. & Date of First Complaint	12-5-06
8	Is the Amount charged U/s 126/135 of Electricity Act. (i.e for Unauthorized use of Electricity or Theft of Electricity)	NO
9	Date of registering of Complaint with REL and with Name & Designation of the concerned Officer.	12-5-06 Senior Vice President (Commercial)
10	Name & Designation of the Officer Contracted give details of the discussion and Orders issued.	Sr. Manager Tech at REL office (MIDC)
11	Action take up by REL in mitigating the Grievance and letter thereof	Reply vide letter No. SCZ/PRG-050/1001936940/RPS-2006-07
12	Date of intimation to Internal Grievance Redressal cell of REL	29 th August 2006
13	Date of Acknowledgement given by Internal Grievance Redressal cell of REL.	29 th August 2006
14	Name & Designation of REL Internal Grievance Redressal cell Officer.	Dy Manager (Tech)
15	Letter from Internal Grievance Redressal cell of REL stating the action taken by REL in respect of the Grievance	Letter dated September, 19, 2006
16	Any other matter you like to state regarding grievances redressal by REL	No personal hearing by Internal Grievance Cell. NO reason given for order in favour of REL



Schedule A

APPLICATION TO FORUM FOR REDRESSAL OF GRIEVANCE

Date 15-1-07

1. NAME OF THE CONSUMER DEEPAK R GAJRIA

2. FULL ADDRESS OF THE CONSUMER C/O R.K. CLASSES, KW-MHB-59/100
CHINYO ESTATE, AZAD NAGAR II, VEENA DESAI RD
PIN CODE 400 053 ANDHERI (W), MUMBAI - 400 053

PHONE NO. 986 983 25 15

FAX NO _____

EMAIL ID deepak_gajria@hotmail.com

3. PARTICULARS OF CONNECTION AND CONSUMER NO.

(Please state nature of connection)

Account NO. 150250298, LF 2

4. DISTRIBUTION LICENSEE RELIANCE ENERGY LTD

5. DETAILS OF THE GRIEVANCE, FACTS GIVING RISE TO THE GRIEVANCE

(If space is not sufficient please enclose separate sheet)

AS per enclosure

6. DATE OF ORIGINAL INTIMATION OF GRIEVANCE BY THE CONSUMER TO THE DISTRIBUTION LICENSEE (INTERNAL GRIEVANCE REDRESSAL CELL)

29-08-2006

7. REMEDY PROVIDED BY THE DISTRIBUTION LICENSEE, IF ANY

(If remedy has been provided, please enclose relevant communication from the Distribution Licensee)

NIL

8. NATURE OF RELIEF SOUGHT FROM THE FORUM

REFUND OF Rs 11,292 charged as arrears
(Please enclose any proof to support claim, if any)

9. LIST OF DOCUMENTS ENCLOSED

(Please enclose copies of any relevant documents which support the facts giving rise to the Grievance)

- i) Acknowledgement of Application for electric connection dated 4-4-06
- ii) Letter from REL demanding Rs 11,320 as arrears
- iii) Receipt cum bill for Rs 11,292
- iv) Copy of letter addressed to Senior Manager ^{Page 25 of 29} informing payment under protest
- v) Copy of letter to Senior Vice President
- vi) A copy of electric bill
- vii) Copy of Sale agreement for premises
- viii) Reply from Sr Mgr (T) dtd 31st May 2006
- ix - Acknowledgement from Internal Grievances Redressal Cell dtd 29-8-06
- x - Reply from Internal Grievance Cell dtd 19-09-2006

10. **DECLARATION**

- (a) I/ We , the consumer /s herein declare that:
 - (i) the information furnished herein above is true and correct; and
 - (ii) I/ We have not concealed or misrepresented any fact stated hereinabove and the documents submitted herewith.
- (b) The present Grievance has been intimated to the Distribution Licensee in the form and manner and within the time frame prescribed by the Distribution Licensee and I/ We am/are not satisfied by the remedy provided by the Distribution Licensee or no remedy was provided within a period of two (2) months from the date of original intimation.
- (c) The subject matter of the present Grievance has never been submitted to the Forum by me/ or by any one of us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.
- (d) The subject matter of my / our Grievance has not been settled through the Forum in any previous proceedings.
- (e) The subject matter of my / our Grievance has not been decided by any competent authority/court/arbitrator, and is not pending before any such authority / court / arbitrator .

Yours faithfully

Deepak Gajria

(Signature)

(Consumer's name in block letter)

(DEEPAK R GAJRIA)

NOMINATION – (If the consumer wants to nominate his representative to appear and make submissions on his behalf before the Forum, the following declaration should be submitted.)

I/We the above named consumer hereby nominate Shri/Smt. _____, who is not an Advocate and whose address is _____

_____ as my/our REPRESENTATIVE in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Consumer)

DETAILS OF THE GRIEVANCE

1. I had applied to Reliance Energy Ltd. for a new electrical connection at the address as mentioned in the application submitted to Reliance Energy Ltd. on 4-4-2006 with all the necessary documents. The premises are on ownership basis and my status is that of owner. The Req. no allotted was 1001936940. The premises were duly inspected and subsequently on 08-04-2006 Electricity service estimate letter was issued. A copy of the same is enclosed for reference. As per the above letter I was asked to pay Rs. 156 towards security deposit and connection fees. However when Next day I tendered the amount at the payment counter, it was not accepted and I was directed to meet New connection dept. I was told by this department that a clearance was required from recovery department.
2. Subsequently Recovery department orally informed me that Some one of the name Pramod Bhargav Sagvekar whose electricity supply has long been disconnected has dues of Rs11,292 which I am expected to pay up before my new connection materializes. On 10th May 2006 Reliance Energy issued a letter demanding the amount of Rs11,322/-from me.
3. I have to submit that the said Pramod Bhargav Sagvekar has never been an owner of or the tenant of the premises owned by me. This premise to my knowledge was closed right from the inception and hence no power supply was provided. In any case the address of the said Pramod Bhargav Sagvekar does not match with my address. On subsequent enquiry I came to know that such a person was owning a house at the back street of my premises and has expired long back. Reliance Energy Ltd. has no documents or knowledge to link said person with my premises. The whole approach is to recover arrears in any locality from a new applicant. I personally had guided the REL team from recovery dept. to the house of late Pramod Bhargav Sagvekar. REL team also confirmed the truth of this from neighbours. However at an official level they persisted with demand of arrears. The onus of proving the fact that the said electrical connection in the name of Promod Bhargav pertains to my premises is on REL in which they have failed.
4. In the mean time as I was hard pressed for the Electric Supply I made **the payment as demanded by REL under protest**. Receipt of the payment is enclosed herewith. This in no way shows that I agree with the demand and I reserved all the rights to take further legal actions. The above payment was made under duress. A copy of the letter written to Senior Vice President (Commercial) is enclosed herewith.
5. While marinating that I have no responsibility to pay for arrears of Pramod Bhargav Sagvekar I further want to bring to your attention **Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. As per section 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 per the information given by reliance energy officials orally, the supply to the above account was discontinued more than 5 years ago. Thus the arrears pertain to a period which is more than 5 year. Further I am not a **legal heir to the said Pramod Bhargav Sagvekar**, but the owner of the premises which I have directly bought from the previous owner GAUDA SHRINIWAS. Thus very clearly even if the arrears were in relation to my premises the same were not payable by me. A copy of the sale agreement is enclosed herewith.
7. Moreover I also quote section 56(2) of The Electricity Act 2003. 56(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.
8. As per the above section Reliance Energy cannot recover the arrears even from the original consumer as power has been discontinued for more than 5 years which is more than the period of limitation. When the Reliance Energy has no claim on original consumer **even if they consider me as his successor**, they cannot have a claim on me.
9. All the above facts had been brought to the notice of managers in REL, but they have simply in a highhanded manner refused to comply with law.
10. The matter was presented before the internal grievance Redressal Cell of Reliance Energy Ltd. On 29/9/2006. However by a letter dated September 19, 2006, they replied that the stand of the REL is in order. Before passing the order they did not bother to hear from me in person.
11. I therefore submit my petition before you for redressal of my grievance.
12. I request you to order the Reliance Energy Ltd to refund the amount of Rs11,322/- collected from me towards the arrears along with the interest.

I further request you to instruct the REL to intimate the date on which the power to Pramod Bhargav Sagvekar was disconnected so that the authenticity of my statement can be reinforced.

Thanking you

Yours faithfully

Deepak Gajria

Deepak Gajria