

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 118 OF 2024

In the matter of new electric connection

Mandar Mukund Keni.Appellants
& Arihant Superstructures Ltd., Developer

V/s.

Maharashtra State Electricity Distribution Co. Ltd.....Respondent No.1
Thane Urban Circle (MSEDCL)

Torrent Power Limited, Distribution Franchisee... .Respondent No.2
Shil, Mumbra, Kalwa (TPL)

Appearances:

Appellant 1. Prakash Veer, Representative
2. Nimesh Shah, Director, Arihant Super Structure Ltd.


Respondent No.1: 1. Raman B. Datunwala, Addl. Ex. Engineer, TUC, MSEDCL

Respondent No.2 1. Rajesh S. Shanbhag, AGM, TPL
2. Mahesh Ghagare, Manager, TPL
3. Sameer Desai, Manager, TPL

Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 24th September 2024

Date of Order: 21st October 2024


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



ORDER


This Representation was filed on 24th June 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 3rd June 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup (the Forum). The Forum dismissed the grievance application in Case No. 04 of 2023-24.

2. The Appellant (Mandar Mukund Keni & Arihant Superstructures Ltd.) have filed this representation against the order of the Forum. The physical hearing was held on 24/09/2024. Parties were heard at length. The Respondent MSEDCL and its Franchisee, TPL filed their replies dated 12/08/2024 and 05/08/2024 respectively. The Respondents' submissions and arguments are stated as below: *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]* -

Preliminary Submissions:

- (i) TPL was appointed as the Distribution Franchisee by the Respondent MSEDCL on 01.03.2020 for the purpose of operation and maintenance of electricity supply along with its billing to consumers in the area of Shil, Mumbra and Kalwa.
- (ii) The Appellant filed a grievance before the Forum on 10/04/2024. The Forum by its order dated 03/06/2024 dismissed the grievance application in Case 4 of 2023-24. The Forum observed that

“Considering all facts and Circumstances, , it is crystal clear that, to avoid the payment of the statutory dues pending in the name of Arihant Superstructures Ltd, the developer had applied a new connection again in the name of Mr. Mandar Mukund Keni and misguided the Respondent Utility. As these dues are statutory dues and consumer has obligation to pay them, therefore, the Forum is


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




of the opinion that, the grievance filed by the Applicant cannot be considered and hence rejected. Hence we replied the above points accordingly.

However, it is to state that, the act of Mr. Rakesh Arvind Nair and Mr. Nimesh Shah appeared before the Forum, is only to misguide the Forum as both the persons were well aware about the arrears of Arihant Superstructures Ltd. This conduct and behavior of the Applicant's representatives is aimed as circumventing to the Forum. It is clear case of wrongful act done by both the persons only to misguide the Forum, which is against the Norms and Rules /Regulations as set by the MERC. So also, Mr. Rakesh Arvind Nair and Mr. Nimesh Shah have not fulfilled the conditions as set in Regulations, 8.10 of MERC (CGRF and EO) Regulations, 2020 before the Forum. All above acts of Mr. Rakesh Arvind Nair and Mr. Nimesh Shah is against the Norms/ Rules and Regulations as set by Hon MERC. Also as stated by Mr. Nimesh Shah himself, he is one of the Partner of Arihant Superstructures Ltd. Therefore, being a direct interested party in the matter, whether he is in any capacity to appear before the Forum as the Applicant consumer's representative? His presence and attending the matter being representative is questionable, unacceptable and unfair.”

With this a serious note / observation made by the Forum against them, and without complying with it, the Appellant approached this Hon'ble Electricity Ombudsman without any sufficient cause.

Main Submissions:

- (iii) The Respondent No. 2, TPL received a new electric connection application in the name of Mandar Mukund Keni for 21 KW connected load (Application No. 7131256645) on 23.11.2023 for commercial purpose (LT II B-Commercial 20 to


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



50KW) at Plot No 18/2, Shil. Thane. The details of this application are tabulated below:

Table 1:

| Name of Connection | Address | Date of Application | Application No. | Connected Load (KW) | Purpose |
|--------------------|---------------------------|---------------------|-----------------|---------------------|-------------------------------|
| Mandar Mukund Keni | Plot No 18/2, Shil. Thane | 23/11/2023 | 7131256645 | 21 | Compd. Light & Security cabin |


- (iv) The TPL carried out site verification survey on 14.12.2023 for technical feasibility, when it was observed that the electric installation was incomplete. TPL by its letter dated 14/12/2023 informed the party for compliance as charted below:

Table 2

| Sr. No. | Description |
|---------|--|
| 1 | Suitable Space is required for new DTC installation |
| 2 | Dues Pending for Service No. 00402639164, 00402639181 & 00402639156 of Arihant Superstructure Ltd. |
| 3 | Incomplete Installation-wiring not completed |

- (v) The Appellant submitted a declaration as per new connection application Form A1 which is reproduced below:

“there are no arrears (TPL as well as MSEDCL) pending against the person/ premises for which I/ we have applied for power supply. If any arrears are found to be pending in future, I/ we shall be bound to make payment towards


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai




such arrears & distribution utility can disconnect the power supply without any further notice to me/ us. Also, I/we have been informed and made aware that if any previous arrears are pending, I/we shall not receive any new connection.”


(vi) **Outstanding Dues for common Service No. 00402639164, 00402639181 & 00402639156 in the name of Arihant Superstructure Ltd. (Arihant Aarohi Phase 1 CHS Ltd.):**

(a) This matter is before the E.O. in a separate Rep. No. 126 of 2024. The Respondent TPL inspected the premises of Arihant Aarohi Phase 1 CHS Ltd. on 30/11/2022 and **during inspection it was observed that there was mismatching of meter numbers in the billing system and the actual meter numbers installed at the site of the Society. There was a huge difference between the bills issued and the actual recorded consumption on the meters.** The actual connected load was measured by Accucheck. The meters installed on site were tested and the test results of the meters found them in order. Also, MRI data of the meters was downloaded, and necessary photographs were also taken as a part of evidence.

(b) The details of the common connections and their dues are charted below:

Table 3:



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



| Sr. No. | Name of Consumer | Consumer/ Service No. | San. Load (KW) | Address on Bill | Date of Supply | Actual Utilization | Total Dues upto Dec. 2022 (Rs.) |
|------------|------------------------------|-----------------------|----------------|--------------------------|----------------|--|---------------------------------|
| 1 | Arihant Superstructures Ltd. | 00402639164 | 97 | Fire pump/ Jockey pump | 27/12/2018 | Club House: 1) Air Conditioners — 6 2) Treadmills 4 3) Electric Cycles — 2 . 4) Other Lighting load 5) Lift — 2 6) water Pumps - 4 of 5 HP each | 51,39,427 |
| 2 | Arihant Superstructures Ltd. | 00402639181 | 105 | Lift AB wing, Club house | 17/09/2018 | 1) Water purification plant 2) Sewerage water plant 3) Staircase lighting and streetlights | 38,57,569 |
| 3 | Arihant Superstructures Ltd. | 00402639156 | 35 | STP/SC/SL | 17/09/2018 | Immersion water heaters installed in the overhead water tankers on terrace of two wings | 30,05,566 |
| Total Dues | | | | | | | 1,20,02,562 |

(c) **As per the site visit and discussion with society members, a provisional bill as per actual consumption from Jan.2019 to Dec. 2022 amounting to Rs. 1,20,02,562 /- was issued to the consumer and confirmed vide letter dated 16/02/2023 and follow up letters. The Arihant Superstructures Ltd. and/or Arihant Aarohi Phase 1 CHS Ltd. did not pay these outstanding dues.**


(d) The TPL requested the Appellant to submit development agreement. After verifying the said development agreement between Mandar Keni & Arihant Superstructure Ltd, it was confirmed that the said new connection is applied by the Appellant on the plot No. 18/2, Shil and his developer is Arihant Superstructures Ltd. Hence, TPL by its letter dated 14.12.2023, again


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



communicated to Arihant Superstructures Ltd. to resolve the issue of outstanding dues in its name.

- (vii) “Arihant Aarohi CHS Ltd.” had filed a grievance application in the Forum on 05/02/2024 regarding outstanding dues (Case No. 145 of 2023-24) as mentioned in Table 3. The Forum principally rejected the grievance application by observing that the electricity dues are statutory in character under the Act, and therefore, both the builder, Arihant Superstructures Ltd. (consumer) and the society, Arihant Aarohi (Occupier /User) are individually and collectively liable /responsible to pay these dues as the bills are raised on the basis of actual readings.
- (viii) On scrutiny of the records in the instant case, it is found that Arihant Superstructures Ltd. again fraudulently and intentionally applied for a new service connection (NSC) having Application No.720106938/ Request No. 15847 dated 25.04.2024; by changing/ manipulating the address as Sr. No. 57/H3, 18/H2, 109/H1A/1, 109/H1B., Sr. No.108/H2, Arihant Avanti Shil Road, Village Padle – 421 204 for the same location/ premises. While applying for the said NSC, the Appellant had annexed the document of Mr. Mandar Mukund Keni who is the Appellant and applicant of NSC Application No. 720093413 in dispute. Since the said new application is applied for the same location, technically the application under dispute has no *locus standi*. Hence, it is necessary to be rejected, and the case be dismissed.
- (ix) Earlier for the same location, Arihant Superstructures Ltd. had applied for a new connection under Application No. 720077762 on 10.05.2023, which was cancelled after due intimation for compliance on the same grounds. Thus, one after the other,


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




fraudulently and intentionally to misguide, 3 connections were applied for the same Survey i.e. 18/2, as can be seen in the addresses of the new service applications as below:

Table 4: Details of 3 applications

| Sr. No. | Name of Applicant | Application No. | Service No. (Auto created by TPL System) | Date of Application | Address | Remarks |
|---------|--|-----------------|--|---------------------|--|-----------------|
| 1 | Arihant Superstructure Ltd. | 7131183465 | 720077762 | 10.05.2023 | Plot No. 57/3, 108 109/1 Part 109/1 Part, B 18/2 Padle Village Daighar Thane. | NSC Application |
| 2 | Mr. Mandar Mukund Keni (service in the present case) | 7131256645 | 720093413 | 23.11.2023 | Survey No. 18/2, (Near Gajra Homes), Shil, Thane – 421 204. | NSC application |
| 3 | Arihant Superstructure Ltd. | 7131322252 | 720106938 | 25.04.2024 | Sr. No. 57/H3, 18/H2, 109/H1A/1, 109/H1B., Sr. No.108/H2, Arihant Avanti Shil Road, Village paddle – 421 204 | NSC Application |

[Note: The documents were checked, and it was found that Arihant Superstructure Ltd. had applied on 10.05.2023 for a connection for conversion of 100 KV EHV overhead line to underground line at the address mentioned above.]

- (x) Since the land is being developed by this developer, technically the developer should apply for the new connection, but in the present case, the landowner has applied for the new connection because the application made by the developer M/s. Arihant Superstructures Ltd. was rejected for the huge dues on another property in its name. The application is made in the name of Landowner just to misguide the distribution utility so as to avoid payment of these dues.


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



A. As per paragraph (12), (13) and paragraph (17), (18) of Annexure – I and Annexure – II respective of Maharashtra Electricity Regulatory Commission’s Electricity Supply Code Regulations 2005/ Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021), it is stated that

“12. Any electricity dues outstanding in Distribution Licensee’s area of operation in consumer’s name:Yes/ No


13. Any electricity dues outstanding on the premises for which connection applied for:Yes/ NoIf Yes: Provide Details”

This declaration directs the Appellant to pay, if there are any dues pending in the Distribution Licensee’s area of operation in the consumer’s name.

B. As per Supply Code & SOP Regulations 2021, it states that –

Provided further that if there are any outstanding dues against the premises for which the requisition of supply has been made, new connection shall not be given until the time such dues are paid in accordance with the Regulation 12.5 of this Code.


Thus, as driven by the aforesaid regulations, a consumer is liable to clear his dues (name/ premises) before entering into a new agreement with the utility. These dues are statutory, and the consumer has an obligation to pay them. In these situations, such deliberate applications for new connections should not be allowed. Arihant Superstructure Ltd. has undisputed statutory dues **at the adjacent premises**, hence all new connections in its name or related with its projects be kept on hold. The


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



utility is ready to provide the new connection subject to compliances as mentioned above along with clearance of total dues.

- (xi) It is not correct that the application was made for supply on a temporary basis. The Appellant had applied for a new 3 phase electricity connection having Application No. 7131256645 for 21 KW for commercial purpose on permanent basis. In the application the structure type is mentioned as: compound wall and security cabin. In the load sheet/ test report the load is calculated as 50 lighting, 10 fans and 10 plugs with total load of 8 HP and other purposes.
- (xii) Even if **it is accepted that the locations are different**, the developer of both the locations are the same i.e. Arihant Superstructures Ltd. **He had outstanding dues in its name at an adjoining location.** Therefore, as per the regulations discussed above and further regulations enacted by the Hon'ble MERC and/ or provisions given under the Electricity Act, Arihant Superstructures Ltd. is liable to clear its dues to avail of a new connection at any geographical location within the MSEDCL's area.
- (xiii) In both cases/ locations, the developer is the same i.e. Arihant Superstructures Ltd. Hence, Arihant Superstructures Ltd. being the registered consumer of those services is liable to pay dues standing in its name. Therefore, the contention of the Appellant that the arrears are due on 'premises' and not on the 'name' of the electricity bills (in the name of the consumer) is incorrect and irresponsible.
- (xiv) Since the utility has performed its part by providing uninterrupted supply to the consumer, and has given it ample opportunity to clear the dues, there is no deficiency in services on the part of the utility.
- (xv) In the said prayer, the Appellant introduced himself as 'the Appellant – Mr. Mandar & Developer' and they are both praying that the Respondent be directed to release


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




the connection (Application No. 7131256645) at survey No. 18/2, Village Shil, Taluka and District Thane as per the application of the consumer dated 23/11/2023. The developer (Arihant Infrastructures Ltd.) has signed the present Appeal No. 118 of 2024 along with Mr. Mandar Mukund Keni on the last page of the submission as well as on the Form B, hence both are one party.

- (xvi) Hence, the Respondent No. 2, TPL pray to direct the Appellant/ consumer to clear these dues/ arrears as per the order issued by the Forum without any further delay. In the absence of these payments, they will not be able to issue a new service connection.

3. The Appellant's submissions and arguments are as below: -

- (i) The Appellant (Mandar Mukund Keni) is the owner of property of Survey No. 18/2 village Shil, Thane. The Appellant decided to develop this property jointly for the proposed Residential Housing Complex. Arihant Superstructures Ltd. is the Developer of this property. Hence, the Schedule B is filed jointly by Mandar Mukund Keni & Nimish Shah- Developer, Arihant Superstructures Ltd.
- (ii) The Appellant has submitted an application (No. 7131256645) for temporary connection for security of the plot as well as development of property and for construction work in a phased manner. The Appellant paid the necessary charges (Rs.120/-) for the new connection on 23.11.2023.
- (iii) The Licensee is duty bound to provide the temporary connection as per Supply Code & SOP Regulations 2021. The relevant provision of Regulation is reproduced as below:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Annexure - II: Level of Compensation Payable to Consumer for failure to meet Standards of Performance

Time period for provision of supply from the date of receipt of completed application and payment of charges:


Table 5 :

| Annexure - II: Level of Compensation Payable to Consumer for failure to meet | | | |
|--|---|-----------------------------|-------------------------|
| <i>Supply Activity/Event S</i> | <i>Standard</i> | <i>Compensation Payable</i> | <i>Automatic/Manual</i> |
| <i>1. Provision of Supply (Including Temporary connection)</i> | | | |
| <i>(i) Time period for intimation of charges to be borne by Applicant in case Applicant seeks dedicated distribution facility from the date of submission of application</i> | <i>Seven (7) working days (Urban Areas)</i> | ... | ... |

- (iv) However, the Respondent MSEDCL/ TPL has not provided the new temporary connection till date without sufficient cause. The Distribution Licensee has not followed the statutory provisions of Standards of Performance and started bargaining with the Appellant for recovery of dues of Arihant Aarohi CHS Ltd. (which is in a different village nearly 1 kms away) which is not related to this project.

➤ **Alleged Recovery of arrears of Rs.1,22,12,053/- of Arihant Aarohi CHS Ltd.:**


[Note: These arguments have already been presented in detail in Rep. 126 of 2024, hence are not repeated here. Basically, the developer has argued


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



that it is the responsibility of Arihant Coop. Housing Society, the actual user of these connections, to clear the above dues.]

- Aggrieved by the decision of the TPL, the Appellant filed a grievance application in the Forum on 10/04/2024, which by its order dated 03/06/2024 dismissed the grievance application. The Forum failed to understand the basic issue that the Society is the occupier and used the electricity. The Society was registered on 01/10/2018 and the role of Developer was Chief Promoter as Trustee as per "Maharashtra Government Gazette" dated 24th February 2014 regarding the responsibility of the chief promoter of a proposed cooperative society. The Chief Promoter had maintained the Society for the period from Oct. 2018 to May 2021. The newly elected Arihant Aarohi CHS Ltd. has taken charge from June 2021 onwards. The electricity was consumed by the Society only. There was no pending outstanding bill of the Developer which he had consumed during construction period. In addition, the site of Arihant Aarohi CHS Ltd. is at **Plot No. 18/2, Padle village, Thane**. However, the existing site of Mandar Keni (Owner) is **Plot 18/2, Shil Village (near Gajra Homes) Thane**. **These sites are not adjacent but in different villages, about 1 km distant.**
- (v) The Developer, Arihant Superstructures Ltd. has always mentioned everywhere that he is developing the plot of Mandar Keni at Plot 18/2, Shil Village. The allegation of TPL that the developer has hidden this fact is baseless.
- (vi) The Respondents made an allegation that Arihant Superstructure Ltd. had applied for new connections three times. It was suggested by them to make a fresh application when the Appellant pleaded for settlement. However, the proposal for a new connection was not approved, and TPL pressurized the developer to pay the


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




outstanding dues of Rs.1.20 Crs. of Arihant Aarohi CHS Ltd; otherwise the Appellant / developer would never get any new connections anywhere in future.

- (vii) The Appellant – Mr. Mandar Keni & the developer pray that the Respondent be directed to release the Connection at Survey No.18/2, Village Shil, Taluka and District Thane as per application of the Consumer dated 23/11/2023 on top priority, and fix up responsibility for the irrevocable loss of the Appellant.

Analysis and Ruling

4. Heard the parties and perused the documents on record. Mandar Keni has applied for a new connection for 21 KW connected load on 23.11.2023 for commercial purposes especially for compound light and security cabin on Plot No 18/2, Village Shil, Thane. He along with his family members are the joint landowners of the said property and intend to build a residential and / or a residential cum commercial project to be developed and constructed in phases on lands owned and procured by them. Hence, a Development Agreement was made on 19th May 2022 between the landowners and M/s. Arihant Superstructures Ltd., the Developer. In view of this agreement, a temporary/construction electric connection is required by the landowner/developer. The details of application are tabulated in Table 1.


5. The Respondent No. 2, TPL contended that they had carried out a site survey on 14/12/2023 for determining technical feasibility. During the site survey it was observed that the electric installation was incomplete. Hence, the TPL by its letter dated 14/12/2023 asked the Appellant for compliance of points as charted in Table 2, including the **outstanding dues for common Service No. 00402639164, 00402639181 & 00402639156 in the name of Arihant Superstructures Ltd. (Arihant Aarohi Phase 1 CHS Ltd.)** which are tabulated in Table 3.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



TPL has contended that earlier for the same location of Mandar Keni, Arihant Superstructures Ltd. had applied in its name for a new connection under Application No. 720077762 on 10.05.2023 which was not sanctioned. Thus, one after the other, fraudulently and intentionally to misguide, new applications were made for the same Survey i.e. 18/2. The said applications are tabulated in Table 4. Hence, the Respondent No. 2, TPL prays to direct the Appellant/ consumer to clear the dues/ arrears as per the order issued by the Forum without any further delay. In the absence of these payments shown in Table 3, they will not be able to issue a new service connection.

6. Arihant Superstructures Ltd. contended that the Appellant, Mandar Mukund Keni is the owner of property of Survey No. 18/2 village Shil, Thane. The Appellant decided to develop this property jointly with Developer "Arihant Superstructures Ltd." for a proposed Residential Housing Complex. The developer as well as Mandar Keni applied for new connections as tabulated in Table 4. The Licensee is duty bound to provide the temporary/construction supply as per Supply Code & SOP Regulations 2021 as shown in Table 5. However, the Respondent MSEDCL/ TPL has not provided the new connection till date without sufficient cause. The Distribution Licensee has not followed the statutory provisions of Standards of Performance and started bargaining with the Appellant for recovery of dues of Rs. 1,20,02,562 /-of "Arihant Aarohi CHS Ltd." where "Arihant Superstructures Ltd." was the Developer. This project is in a different village nearly 1 Km away, which is not related to the current project. It is the responsibility of Arihant Aarohi Coop. Housing Society, the actual user of these connections, to clear the above dues of Rs.1.2 Cr. The Society was registered on 01/10/2018 and the role of the Developer was only that of the Chief Promoter/ Trustee, as per "Maharashtra Government Gazette" dated 24th February 2014. The Chief Promoter had totally maintained the Society from Oct. 2018 to May 2021, and then handed it over to the newly elected Committee Members


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



of Arihant Aarohi CHS Ltd. from June 2021 onwards. The electricity was consumed by the Society. As a developer, there are no pending outstanding bills for the construction period.


7. The details of the above related case are already examined in Rep. 126 of 2024. This Authority has issued a separate order dated 21st October 2024 in Rep. No. 126 of 2024 in the Case of Arihant Aarohi CHS Ltd. V/s MSEDCL, TPL and the developer, Arihant Superstructures Ltd. in the matter of accumulated billing of about Rs.1.20 Crs for three common services. As mentioned in this order, the user / occupier is Arihant Aarohi CHS Ltd. The observations made in the analysis of Rep. No. 126 of 2024 are as below:

“Issue 2: Whether it is the Appellant Society and/or Respondent No. 3, Arihant Superstructure Ltd. who are bound to pay the revised bill?”

- *Though the meters are registered in the name of M/s. Arihant Superstructures Ltd., as per the joint site visit dated 03/02/2023 the said services are in use by Arihant Aarohi CHS Ltd. who is the implied consumer as discussed above. **The arrears are on the premises and hence we hold that it is the Society which has to pay these outstanding dues.***
- *There is a dispute between the society and the Developer as regards to handing over of assets etc. which was reflected in the hearing. The Society claims that the builder is liable to pay the arrears up to May 2021, while the builder denies this. So far the parties have failed to reach a settlement on this issue. The Society was registered on 01/10/2018 and the role of the Developer was that of Chief Promoter. Respondent No. 3 (developer) has put on record that the amount collected from the flat purchasers towards maintenance charges was around Rs.1.855 crores, and the expenses were around Rs.1.847 crores. The balance in the bank account was about Rs.80,000/-. Both the parties were advised to sit together and reconcile their Corpus fund as well as maintenance charges accounts in a transparent manner. It was also confirmed with TPL that there was no pending outstanding bill of the Developer relating to the construction period. However, this issue does not come under the jurisdiction of this quasi-judicial authority.*

Hence, Issue 2 is answered accordingly.

13. However, in the interest of settling the matter, Respondent No.3 (developer) was requested to accept some part of the payment of the said bill voluntarily, and the developer has reciprocated by agreeing to pay Rs.5 lakhs out of the pending bill amount of Rs. 1.15 crores. This amount should be paid to the


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




Respondent No. 2, TPL against the pending bill (after revision as directed below) voluntarily, giving some relief to the Appellant society.”

8. Considering the above order passed in Rep. No. 126 of 2024, we hold that there are no liabilities of the developer, M/s. Arihant Superstructures Ltd., since the developer was only acting as the Chief Promoter of the Arihant Aarohi Co-Op Housing Society. The Society is the user / occupier and is liable to pay the dues of Rs.1.15 Crores.

9. Hence, the order of the Forum is set aside. The Respondent TPL is directed as under: -

- a) To sanction the new electric connection in the name of Mandar Keni or in the name of Arihant Superstructures Ltd., Developer within a period of 15 days from the date of the order, and to advise the Appellant regarding the new connection formalities / procedure.
- b) The Appellant to pay statutory charges as per demand notice issued by the Respondent.
- c) After payment of statutory charges and receipt of test report, the Respondent to release the connection immediately.
- d) Compliance to be submitted within two months from the date of issue of this order.
- e) The other prayers of the Appellant are rejected.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

