

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
Old Power House Premises, Dr. Ambedkar Road, Aurangabad. Phone: 0240 - 2336172

No:- CGRF/AZ/AUR/JLN/ 429 / 2013 /13 /

Date :-

To,
01) The Executive Engineer (Administration)
Nodal Office, O/O Superintending Engineer ,
O&M Circle, M.S.E.D.C.L.,
JALNA.

[.]
Sub:- Forwarding of grievance in respect of Shri Purshottam Omprakash
Rathi, (Present Owner) Tq.Partur Dist.Jalna.
(Consumer No. 5240 1008 2144)

Dear Sir,

Please find enclosed herewith a copy of the grievance application
received by the Forum, in respect of Shri Purshottam Omprakash Rathi,
(Present Owner) Tq.Partur Dist.Jalna.

You are requested to redress the grievance or submit Para wise reply
for interim on 05.03.2013 at 11.30 Hour.

Encl: As above

Member/Secretary
CGRF(AZ) MSEDCL
Aurangabad.

Shri Purshottam Omprakash Rathi,
(Present Owner) Tq.Partur
Dist.Jalna.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
(MSEDCL) AURANGABAD ZONE, AURANGABAD.

Case No. CGRF/ AZ/ JLN/ 429/2013/13.

Date of Filing: 26.02..2013,.

Date of Decision 12.03.2013

1. Mr. Purushottam Omprakash Rathi COMPLAINANT.
Paradaon Road, Mondha,
Tq. Partur. District Jalna.
(Consumer No.5240 1008 2144)
Versus.

1. The Executive Engineer (Adm.) RESPONDENT.
Nodal Officer, O&M
Urban Circle, MSEDCL,
Jalna.

CORAM :-

Shri. V.B.Mantri. Chairperson

Shri S.K.Narwade Member/Secretary.

Shri V.S.Kabra Member.

1. The grievance of the complainant is against illegal charging of Rs.
25821/-as an arrears pending against the complainant towards P.D.
Charges of former meter.

2. The case of the complainant in brief is that, one Vallabh Badrilal Ladda was the former owner of a shop bearing house No. 1485 situated at Kishanganj Mondha Partur District Jalna. He was consumer bearing consumer No. 5240140082144 and meter Sr.No. 3000518779. The complainant has purchased his shop in the year 1996 under registered sale –deed. The meter is however remained in the name of his vendee Vallabh Ladda. The complainant is regular in making payment of electricity bills.
3. It is the case of the complainant that, he has received bill of Rs. 980/- in the month of July 2012. He paid the bill on 22.8.2012. He then received a bill for the month of August 2012 in which the respondent has shown the sum of Rs. 25821/- as arrears.
4. It is submitted that the complainant has immediately made representation against such arrears of the bill however no cognizance has been taken by the respondent regarding the grievance of the complainant made in the representation on 1.10.2012 to the Asst. Engineer Partur but no cognizance of his complaint has been taken. The complainant then filed his grievance before the I.G.R.C. at Jalna on 5.12.12, but the I.G.R.C. also failed to pass any order against the complaint.

5. The complaint submits that he is not in arrears of any bill. The arrears so shown by the respondent is illegal and such the same should be set aside. Hence the complaint.
6. The respondent has filed the reply to the complaint and thereby submitted that, there was an old electric connection in the same premises bearing consumer NO. 524010002159. The said connection was disconnected permanently on account of non payment of the electricity charges. There were outstanding arrears of Rs. 25820/-at the time of disconnection. The arrears of the bill were charge on the building on which the complainant has taken new connection suppressing the fact of former connection. These arrears are as such recoverable under Rule 10.5 of Supply Code Regulation 2005. The P.D. arrears of old consumer meter in the same premises are transferred to the new meter. The present complaint has been filed to evade the electricity bills to which he is in arrears. The complaint should be therefore dismissed.
7. This Forum has heard the submissions of Mr. Kapadiya for the complainant and submissions so made by the Nodal Officer on behalf of the respondent.

8. On hearing the submissions, and considering the pleadings of the parties, the following points arise for our determinations and our findings are as follows:-

9. POINTS

FINDINGS

- | | |
|---|-------------|
| a. Whether the respondent is entitled to recover the alleged arrears. | No. |
| b. Whether the respondent is right in incorporating the arrears of Rs. 25820/- in the bill of August August 2012. | No. |
| C What redressal and order? | As follows. |

REASONS.

10. There is no dispute that there was old electricity connection in the same in the same premises bearing consumer No. 524010002159. It is the case of the respondent that the said connection was disconnected permanently for non payment of the outstanding bills. It has been submitted that there was arrears of Rs. 25820/- at the time of disconnection. It is argued that the arrears are charge on the building and therefore the present complainant is liable to make payment. In support of the said submissions the Nodal Officer has relied upon the Regulation NO. 10.5 and on the judgment of Hon'ble High Court of

Judicature at Bombay in Namco Industries Pvt. Ltd. v/s MSEDCL
DELIVERED IN w.p.9906 OF 2010.

11.Mr. Kapadiya for the complainant on the other hand has submitted that such arrears were never shown in any former bills for the past two years and therefore the alleged arrears are not recoverable by virtue of Sec. 56(2) of the Act.

For ready reference Section 56(2) of Electricity Act read as follows:-

“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 licensee shall not cut off the supply of the electricity.”

This Forum agree the submissions of the Nodal officer to the effect that the arrears of the Electricity bills are the charge on the premises and therefore the subsequent connection holder on the same premises is liable to pay the arrears, as is submitted and ruling of the Hon'ble High Court. The arrears however in our

opinion should be shown in the bills continuously and same are recoverable within the period of two years limitation.

In the present case, it is neither pleaded nor submitted, as to when the former connection was disconnected permanently. The respondent did not produce any document to show that there were in fact arrears of bill for Rs. 25820/-. NO document has been produced to show that the respondent has ever claimed such arrears prior to August 2012. There are no submissions as to how then the disputed sum is recoverable and the said sum is within Limitation which can be recovered. The above Section 56(2) of the Act as such is squarely applicable to the present case. Hence by applying the provision of Section 56(2) of the Act, this Forum is of the opinion that the said sum of Rs. 25820/- is not recoverable. The recovery is barred by limitation under section 52(2) of the Act. The so called arrears of Rs. 25820/- should be therefore set aside. The respondent should issue revised bill deducting the disputed arrears of Rs. 25820/- The grievance of the complainant is allowed. The forum therefore proceeds to pass following order.

ORDER.

1. The grievance of the complainant is hereby allowed.
2. The respondent should deduct the disputed arrears of Rs. 25820/-from the bills.
3. The respondent shall issue revised bill by deducting the disputed arrears of Rs. 25820/-
4. No order as to costs.

Sd/-
(V.S. Kabra)
Member

Sd/-
(S.K .Narwade)
Member/Secretary

Sd/-
(V.B. Mantri)
Chairperson

CONSUMER GRIEVANCE REDRESSAL FORUM
RMAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
AURANGABAD ZONE, AURANGABAD.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.2336172

No. CGRF/AZ/Aur/JLN/429/2013/13

Date :-

To,

1) Mr. Purushottam Omprakash Rathi
Paradaon Road, Mondha,
Tq. Partur. District Jalna.
(Consumer No. 5240 1008 2144)

V/s

02) The Executive Engineer,(Admn.)
Nodal Office , O&M Circle,
M.S.E.D.C.L.,
JALNA

Sub:- Grievance in Case No. CGRF/AZ/JLN/ 429/2012/13

Please find enclosed herewith a copy of the order passed by the Forum in the case mentioned above. The consumer, if not satisfied with the decision of the Forum, is at liberty to make a representation to the Electricity Ombudsman, the contact details of whom is as under, within a period of 60 days from the date of this order.

Encl: As above

Member/Secretary,
CGRF(AZ) MSEDCL,
Aurangabad

Copy submitted with respect to:-
The Chief Engineer(AZ)
MSEDCL, Aurangabad.

Contact details of:
The Electricity Ombudsman,
Plot No.12, Shrikrupa, Vijaynagar,
Chhaoni, Nagpur – 440 013
Phone No.(Office) (0712) 20 22 198
E-mail – cgrfnz@gmail.in