

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/199/2014**

Applicant : Shri B.B. Yadav,  
Kirana Stores,  
Bajeriya, Hansapuri,  
Nagpur : 18.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
MSEDCL, N.U.C.,  
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.  
  
2) Adv. Subhash Jichkar  
Member.  
  
3) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 18.10.2014.**

1. The applicant filed present grievance application before this Forum on 20.8.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that he received energy bill for June 2014 in which arrears of Rs. 59215.70 are added. This connection stands in the name of Shri B.B. Yadav, Kirana Stores, Bajeriya,

Hansapuri, Nagpur having consumer No. 410013084541 L.T.-II, 1 Ph. C.L. There is also another connection in the name of the applicant vide Consumer No. 410013084533 since 22.8.1985. On receipt of bill of June 2014 applicant approached to SNDL office and it was revealed that these arrears pertain to Shri B.B. Yadav Consumer No. 410013084517 RL, which has been made P.D. in September 2013. It was further told that these P.D. arrears have been charged to one Smt. Madhu Ramesh Yadav, Consumer No. 410018588297, in the same premises but as per order dated 21.5.2014 of Learned I.G.R.C. (SNDL), these P.D. arrears have been raised against the applicant. Learned I.G.R.C. had quoted section 56 (1) of Electricity Act 2003 and ordered to add these arrears in the bill of the applicant. Applicant is not responsible to pay these P.D. arrears of Smt. Madhu Ramesh Yadav. Order passed by Learned I.G.R.C. is illegal. Being aggrieved by the said order the applicant approached to this Forum and claimed to revise the above said bill.

3. Non applicant denied applicant's case by filing reply dated 12.9.2014. It is submitted that provisions of regulation 10.5 of MERC supply code regulations 2005 are applicable to this matter and according to these provisions P.D. arrears against property can be added in the electricity bill of the applicant. In this matter electricity supply is given to Shri Baldeo Patel Bhikarilal Yadav, Consumer No. 410013084517 – 1 Ph. RL since 22.8.1985. Electricity supply of this specific consumer number was permanently disconnected for non payment of arrears amounting to Rs. 59214.06 and therefore these P.D. arrears are added in the bill of the applicant Shri B.B. Yadav, Consumer No. 4100113084541, in the month of June 2014. Grievance application be dismissed.

4. Forum heard arguments of both the sides and perused the record.

5. On perusal of record, it is crystal clear that two connections one for RL purpose bearing Consumer No. 410013084517 and another connection for CL purpose vide Consumer No. 410013084541 were given in the name of applicant Shri B.B. Yadav in the premises in question on the same day i.e. on 22.8.1985. Residential connection Consumer No. 410013084517 was made P.D. in September 2013 on account of outstanding arrears of Rs. 59214/- whereas other connection in the same name for CL purpose with Consumer No. 410013084541 is still in the same premises. In view of this position, SNDL is perfectly correct to add these P.D. arrears amount of Rs. 59214/- against live connection of same consumer for commercial purpose.

6. It is pertinent to note that it is a matter of record that since 22.8.1985, there is no change of name by applicant in respect of any connection and both the connections are continuously in the name of the applicant. During the course of arguments, Forum put up a query to the applicant and applicant has admitted in clear terms that Bablu B. Yadav holder of erstwhile P.D. residential service connection No. 4100113084517 and Shri B.B. Yadav holder of live service connection No. 410013084541 was one and the same i.e. Shri B.B.Yadav, the applicant.

7. It is pertinent to note that applicant has not produced any documentary evidence along with grievance application to show as to how he came to possess the premises of commercial service connection against which the said arrears amount is raised.

8. It is a settled law that such a transfer of arrears amount as has been ordered by Learned I.G.R.C. in case No. 359/14 Dt. 21.5.2014 and in case No. 557/14 Dt. 26.7.2014 is permitted in terms of interpretation of Section 56 (1) of Electricity Act 2003. In section 56 (1) of Electricity Act 2003, it is specifically provided that **“Where any person neglects to pay..... and for that purpose cut or disconnect “ANY” electricity supply line ..... but no longer”**. Therefore according to interpretation of this specific word ”ANY” electricity supply line”, has permitted to add the said arrears in the electricity bill of the applicant. Adding of said arrears by SNDL in the bill of the applicant is legal and valid.

9. Secondly, it is an admitted fact that there was permanent disconnection of consumer No. 410013084517 in the month of September 2013 and these P.D. arrears of September 2013 are added in the bill of June 2014, within a span of 1 year and therefore it is within limit of 2 years laid down under regulation 56 (1) of E.A. 2003.

10. We have carefully perused order passed by Learned I.G.R.C. in Case No. 359/14 Dt. 21.5.2014 and Case No. 577/14 Dt. 26.7.2014. In our considered opinion, both the orders are perfectly correct, legal and valid and need no interference.

11. It is noteworthy that Case No. 359/14 was filed by Smt. Madhu R. Yadav against SNDL. Applicant was not a party in this matter. Even then applicant challenged the said order Dt. 21.5.2014 passed by Learned I.G.R.C. in Case No. 359/14, and in such circumstances, it was

necessary for the applicant to make Smt. Madhu R. Yadav as a party to this grievance application as non applicant No. 2. However, applicant challenged the said order and Smt. Madhu R. Yadav is not the party to the present grievance application. In such circumstances, considering principles of natural justice, opportunity of being heard is necessary to be given to Smt. Madhu R. Yadav before passing any order or interfering any order which is legally passed in her favour. Therefore grievance application is bad for non jointer of necessary parties and for this reason also deserves to be dismissed.

12. It is the duty of the applicant to make all connected persons as a party to the grievance application other wise there will be violation of principles of natural justice and may create multiplicity of orders unnecessarily.

13. For these reasons, we find no substance in present grievance application and application deserves to be dismissed. Hence Forum proceeds to pass following order :-

#### ORDER

- 1) Grievance application is dismissed.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN