

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

Case No. CGRF(NUZ)/033/2008

- Applicant : Sau. Hastrekha A. Jambhulkar
At Bhankheda,
Post. Mominpura,
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Gandhibag Division, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gauri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 30.06.2008)

This grievance application is filed on 04.06.2008
under Regulation 6.4 of the Maharashtra Electricity
Regulatory Commission (Consumer Grievance Redressal

Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-sanction of a new electricity connection at house no. 67, ward no. 51 of Bhankheda, Nagpur.

Before approaching this Forum, the applicant had filed her grievance before the Internal Grievance Redressal Cell (in short, the Cell) under the said Regulations vide her complaint dated 14.05.2008. The Cell, upon enquiry, informed the applicant that a service connection, being connection No. 410010853960/1, was existing in the past at the same premises in the name of Shri Umakant D. Jambhulkar (which name is in fact Smt. Umakanta D. Jambhulkar) who was a member of the applicant's family. This service connection was permanently disconnected in March 2001 on account of non-payment of permanent disconnection arrear amount of Rs.8042.42. The Jr. Engineer, New Meyo Electricity Centre had also informed the applicant on 06.05.2008 accordingly. The Cell further informed the applicant that her application for a new connection will be considered by the non-applicant Company after she pays the arrear amount in question that is outstanding against the same premises. The applicant is not satisfied with the reply given to her by the Cell and hence, the present grievance application.

The matter was heard on 24.06.2008.

The applicant submitted that she had applied to the non-applicant Company for sanction of a new electricity connection in April 2008. However, the same is not yet sanctioned. According to her, she has no concern, whatsoever,

with the arrear amount of Rs. 8042.42 that is shown to be outstanding against the erstwhile disconnected electricity connection and that the non-applicant did not take any action to recover this amount from the erstwhile consumer Shri Umakant D. Jambhulkar (which name is in fact Smt. Umakanta D. Jambhulkar). Explaining further, she submitted that a portion of house no. 67 in question has been purchased on 28.06.2004 from one Shri Ravish Patil by her husband. She has produced on record a copy of the notarized sale-deed executed between Shri Ravish Patil and her husband Shri Anup Duryodhan Jambhulkar. She further contended that she is not financially sound enough to make payment of the arrear amount in question nor is she liable to pay this amount.

She added that the non-applicant's refusal to sanction a new connection to her is devoid of any merit and the same is unjust, improper and illegal. She, therefore, requested that the new connection may be ordered to be sanctioned to her without insisting upon payment of the arrear amount in question.

The non-applicant on his part has submitted his parawise report dated 19.06.2008. He has also submitted additional written submission dated 23.06.2008. Copies of both these written submissions are duly received by the applicant. She was also given opportunity to offer her comments on both these submissions.

The non-applicant has submitted that the applicant did apply for sanction of a new connection on 30.04.2008. Thereupon, the non-applicant's representatives inspected the site in question. Upon enquiry, it came to notice

that the property where a new connection is sought by the applicant originally belonged to one Shri Umakanta D. Jambhulkar (which name is in fact Smt. Umkanta D. Jambhulkar). There was an electric connection, being connection no. 410010853960/1, existing in the past in the name of the said Smt. Jambhulkar. This service connection was permanently disconnected on 03.05.2001 because of accumulation and non-payment of energy consumption arrear amount of Rs.8042.42. Hence, the applicant is liable to pay this amount since the same is outstanding against the same premises in question where the applicant has sought a new connection. He added that this property was sold by Smt. Umkanata D. Jambhulkar to one Shri Ravish Patil and Shri Sunil Waghmare who are sons-in-law of Smt. Umkanta D. Jambhulkar. The portion of the house property that was purchased by Shri Ravish Patil has been sold by him to Shri Anup D. Jambhulkar who is the husband of the present applicant and son of Smt. Umkanta D. Jambhulkar. Shri Anup D. Jambhulkar -- the husband of the applicant was also the beneficiary of the service connection in question. Hence, he is liable to pay this outstanding arrear amount. According to him, the present applicant who is the wife of Shri Anup D. Jambhulkar cannot take a plea that she is not liable to pay this arrear amount since her husband Shri Anup D. Jambhulkar incurred upon him the liability of payment of this amount, he being the son of Smt. Umakanta Jambhulkar and also the beneficiary of the erstwhile service connection.

He lastly prayed that the grievance application may be rejected.

In this case, the point to be decided is whether the applicant is liable to pay the arrear amount in question and if yes, the extent thereof.

The non-applicant in this respect has made a submission that the premises in question originally belonged to one Smt. Umakanta D. Jambhulkar and that these premises was sold by her to Shri Ravish Patil and Shri Sunil Waghmare. Thus, the premises in question seems to be divided into two portions and the two portions were sold to the aforementioned two persons. There is an admission of the non-applicant on record that the portion of the premises purchased by Shri Ravish Patil has been sold by him to Shri Anup D. Jambhulkar ---- the husband of the present applicant. Hence, it is clear that the portion of the premises came to be owned and possessed by Shri Anup D. Jambhular as a new owner. It is a matter of record that the arrear amount in question was accumulated by Smt. Umukanta D. Jambhular and because of the non-payment of this arrear amount by her, the erstwhile service connection, being service connection 410010853960, came to be permanently disconnected way back in the year 2001. A statement has been made by the non-applicant that the present applicant's husband Shri Anup D. Jambhular was the beneficiary of the disconnected service connection. However, no documentary evidence is produced on record by him to substantiate this statement. On the contrary, the ration card in the name of Shri Anup D. Jambhular obtained by him on 19.08.2002 ---- a copy of which has been produced on record reveals that Shri Anup D. Jambhular came to reside in the premises owned by Smt. Umakanta D.

Jambhulkar from or about August 2002 i.e. much after the erstwhile service connection came to be permanently disconnected in the year 2001. Moreover, the applicant has produced on record a notarized sale-deed for Rs. 30,000/- indicating that Shri Anup D. Jambhulkar purchased the premises in question from Shri Ravish B. Patil on 28.06.2004. In view of above position, the provision contained in Regulation 10.5 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred-to-as the Supply Code Regulations shall come into play, the text of which reads as under:.

“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 this provision, the liability of Shri Anup D. Jambhulkar -- the husband of the present applicant and

hence that of the applicant is restricted to a maximum period of six months of unpaid Electricity Supply charges.

When asked by us, the non-applicant could not indicate to us the date on which the erstwhile connection was temporarily disconnected if at all such a temporary disconnection had preceded the permanent disconnection thereof. In any case, the non-applicant will have to work out the quantum of liability equivalent to charges for the period of six months prior to the disconnection of power supply. In that, it is made clear by us that the applicant's liability shall be restricted to the current bill amounts of consumption of electricity for the aforementioned period of six months immediately preceding the date of disconnection.

We, therefore, order that the non-applicant shall work out the quantum of liability of the applicant as aforesaid and intimate the same to the applicant and that the applicant shall be liable to pay this amount before a new connection is sanctioned to her subject to completion by her of the other requisite formalities prescribed for sanction of a new connection.

The grievance application is thus partly allowed and it stands disposed of in terms of this order.

This order is issued without prejudice to the non-applicant's right to recover the arrear amount in question by filing a Civil Suit in terms of Section 56 (1) Electricity Act, 2003.

Both the parties shall carry out this order and report compliance to this Forum on or before 31.07.2008.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**

Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.