

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

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**Case No. CGRF(NUZ)/059/2007**

- Applicant : Shri Babulal R. Gupta  
At 144 Ramdaspath  
NAGPUR.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Congressnagar Division, NUZ,  
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.
- 2) Smt. Gouri 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 28.01.2008)**

The present grievance application has been filed on 31.12.2007 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 allegedly erroneous inclusion of DPC arrear amount of Rs. 9392/- + interest amount of Rs. 1124.05 in the applicant's energy bill dated 21.12.2007 subsequent to the non-applicant's letter, being letter no. 409 dated 28.08.2007. The applicant has requested to withdraw the aforesaid amount from his energy bill and not to recover it.

The applicant in this case has protested recovery of old P.D. arrear amount pertaining to consumer one Shri Jayantilal K. Shah in response to the letter, being letter no. 409 dated 28.08.2007 of Dy. Executive Engineer Regent Sub-Division, MSEDCL, Nagpur by which the Dy. E.E. requested the applicant to pay the old P.D. arrear amount of Rs. 8942.69 within 15 days failing which this P.D. arrear amount would be transferred to the applicant's live account being account no. 41001024526/2. This letter was addressed to one Shri Mahesh B. Gupta who is the recipient of electricity while the present consumer is the father Shri Mahesh B. Gupta whose name is registered as a consumer in the non-applicant's record. Thereafter the non-applicant included D.P. arrear amount of Rs.9392/- + interest of Rs.1124.05 in the applicant's energy bill dated 21.12.2007.

The intimation given by the applicant on 06.09.2007 to the non-applicant about his grievance is deemed to the intimation given to the Internal Grievance Redressal Cell (in short, the Cell) in terms of the said Regulations and hence, the applicant was not required to approach the Cell

again for redressal of this grievance before coming to this Forum.

The matter was heard on 23.01.2008.

The applicant contended that there was old service connection being, connection no. 410013645071 in the name of one Shri Jayantilal K. Shah in the premises that was rented out to him as a tenant and the same came to be permanently disconnected for non-payment of arrear amount of Rs. 8942.69. This amount along-with interest ought to have been recovered by the non-applicant from the defaulting consumer Shri Shah since he alone was liable to pay this amount. He added that the non-applicant's action of proposing transfer of this amount in the applicant's live account, being account no. 410010124526 and the non-applicant's subsequent action of actual inclusion of arrear amount of Rs. 9392/- along with interest in the applicant's account is unjust, improper and illegal. According to him, the non-applicant's submission that the tenant Shri Jayantilal K. Shah was having old electricity connection in the premises of the applicant is false.

He added that, alternatively, the arrear amount ought to have been transferred in the live service connection account of Shri Shah existing elsewhere i.e. at the premises situated in Ganeshpeth, Nagpur.

He strongly argued that liability of payment of the arrear amount cannot in any way be saddled on the applicant and further that the entire action of the non-applicant is unlawful.

He lastly requested that the amount may not be recovered from him. He sought a direction to that effect.

It has been submitted by the non-applicant in his parawise report as well as in oral submissions that the P.D. arrear amount of Rs.9382/- + interest amount of Rs.1124.05 was rightly billed to the applicant in his energy bill for the month of December, 2007 as this was his own liability. According to him, one Shri J. Shah was occupying as a tenant portion of the building in which the applicant is staying and was having service connection no. 410013645071 standing in his name. The said connection was disconnected permanently in the past on account of non-payment of energy charges of Rs.8941.70. The said tenant had already vacated the tenanted premises. When this position came to be noticed by MSEDCL officers, the arrear amount in question was proposed to be raised in the energy bill of one Shri Virendra J. Gupta who is having service connection, being connection no. 41001557811/2 in the same building. Shri Virendra Gupta protested this action stating that the premises vacated by the tenant Shri Jayantilal Shah is in actual position of Shri Mahesh Gupta the son of the applicant who is having service connection, being connection no. 410010124526/2. Thereupon, a letter was addressed to Shri Mahesh Gupta on 28.08.2007 asking him to pay the arrear amount within 15 days and that in the event of his failure to make payment, the arrear amount shall be transferred to the applicant's live account. He clarified that arrear amount is still not included in the applicant's energy bills.

He further explained that the present complainant was in arrears of charges from February to July, 2007 in respect of his own account and as such he paid a sum of

Rs.10,000/- as part payment. Thereafter, the charges payable by the applicant amounted to Rs.19,530/- in the month of August 2007. The applicant issued a cheque of Rs. 5000/- towards part payment of the arrears of his energy consumption charges in the month of September 2007. However, the said cheque was bounced because of insufficient funds in his Bank account. The applicant issued another cheque for Rs. 8680/- in the month of December 2007 vide his cheque dated 13.11.2007 as a part payment of his own liability towards payment of arrear amount in respect of consumption charges in the month of November 2007. This cheque was also bounced vide Bank's memo dated 16.11.2007. Thus, the total amount outstanding against the applicant taking-into-consideration the amount of bounced cheques along-with surcharge amounted to Rs.15,446/- in the month of December, 2007. The arrear amount of Rs.9392/- and interest amount of Rs.1124.05 as shown in the applicant's energy bill dated 21.12.2007 is the liability of the applicant himself and these amounts are not relating to the P.D. arrear amount of Rs.8942.70 which remained un-paid by the tenant Shri Shah. Clarifying further, the non-applicant stated that the Dy. E.E's letter dated 28.08.2007 no. 409 is still not acted upon and the arrear amount of Rs. 8942.70 in respect of the permanent disconnection of Shri Shah's account accumulated by him is not yet transferred to the applicant's live account. He, therefore, stated that the present complaint on the part of applicant is full of malafides.

He lastly prayed that the grievance may be dismissed.

It is an admitted position that the Dy. E.E. did issue a letter, being letter no. 409 dated 28.08.2007, asking the applicant to make payment of arrear amount of Rs.8942.69 which is the liability of ex-tenant Shri Shah. Although it is true that this amount has not been raised against the applicant in his energy bill, the fact remains that the applicant is not liable to make payment of this arrear amount. This is because the P.D. arrear amount in question pertains to the past period of more than two years and as such recovery thereof from the new occupier is clearly time-barred as per Section 56 (2) of the Electricity Act, 2003. The non-applicant has also admitted that the P.D. arrear amount in question was pertaining to past period of more than 3 years and that it has only been proposed to be recovered from the present applicant much after lapse of period of two years from the date on which this sum became first due for recovery. It is also a matter of record that this P.D. arrear amount has not been shown as continuously recoverable in the applicant's live account even till to-day. Moreover, the non-applicant was not able to prove that the premises presently occupied by the applicant was the same that was occupied by Shri Shah. It is the strong contention of the applicant that the premises which was occupied by Shri Jayantilal K. Shah having service connection no. 410013645071 which came to be permanently disconnected in the past now have three electric connections in the names of Virendra Jiwanlal Gupta, Shri Govinddas Jiwanlal Gupta and Shri Sunil Jiwanlal Gupta. The non-applicant did not offer any comments on this contention. He is himself not sure whether

the premises occupied by the applicant is the same that was occupied by Shri Jayantilal K. Shah.

The non-applicant has also clarified that arrear amount of Rs.9392/- + interest amount of Rs.1124.05 included in the applicant's energy bill dated 21.12.2007 is not at all related to the P.D. arrear amount of Rs.8942.69 accumulated by the ex-tenant Shri Shah.

We, therefore, hold that the applicant is not liable to make payment of arrear amount of Rs.8942.69 which is the P.D. arrear amount pertaining to the consumer Shri Shah.

We also make it clear the non-applicant is free to make recovery of energy charges accumulated by the applicant himself against his own live connection bearing no. 410010124526 as per rules in force.

This order is issued without prejudice to the non-applicant's right to recover the said arrear amount by filing suit in terms of Section 56(1) of the Electricity Act, 2003 against appropriate parties.

The applicant's request to delete from recovery D.P.C arrear amount 9362 + interest amount of Rs.1124.05/- from his energy bill dated 21.12.2007 stands rejected since as amply clarified by the non-applicant, it is the applicant's liability to pay the accumulated energy charges for the electricity used by him against his own live connection.

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

Both the parties shall carry out this order and inform compliance to this Forum on or before 15.02.2008.

Sd/-	Sd/-	Sd/-
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
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.