

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

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**Case No. CGRF(NUZ)/038/2008**

Applicant's : 1) Shri Vijay Madan Agrawal  
2) Shri Shyamsundar M. Agrawal  
3) Shri Rajendra M. Agrawal  
4) Shri Santosh M. Agrawal  
"Jodhraj Bhavan"  
Opp. Anand Cinema, Sitabuldi,  
NAGPUR  
represented by Shri Mahesh Gupta  
their nominated representative.

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. 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.

Interim ORDER (Passed on 09.07.2008)

This is an application filed under Regulation 8.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations requesting for granting Interim Stay to the recovery of arrear amount of Rs. 1,49,644/- and to disconnection of electricity connection, being service connection no. 410010662285.

The matter was heard on 08.07.2008.

The applicants have contended that they have received notice dated 18.06.2008 from the non-applicant's Counsel on 24.06.2008 by which the applicants have been directed to deposit arrear amount of Rs.1,49,644/- within a period of 15 days failing which their aforementioned service connection would be disconnected. The applicants have already moved an application dated 27.05.2008 to the non-applicant seeking redressal of their grievance in the matter of withdrawal of unexplained arrear of Rs.1,23,097=65 which were transmitted to their service connection, being S.C. no. 410010662285 in the year 2005. The applicants have added they are availing of supply of electricity against the aforementioned service connection since prior to 1998. There are two service connections namely service connection no. 410010262285 and the other no. 410013084907 (which is in fact 410013084908). The later service connection came to be permanently disconnected in the past due to non-payment of electricity charges amounting to Rs.1,21,594=11 and this accumulated arrear amount came to be transferred illegally to

the service connection, being consumer no. 410010662285 through which they are availing of the supply.

The applicant strongly pleaded that the arrear in question pertains to consumer no. 410013084907 (which is in fact 410013084908) and not to the service connection no. 410010662285. According to them, they are not liable to pay this arrear amount and that the non-applicant has no right to disconnect their electricity connection on the erroneous ground of arrear outstanding against a different service connection. They have prayed that interim stay to the process of threatened recovery of arrear and threatened disconnection of their supply of the electricity may be granted since they have a strong prima-facie case on merits.

The non-applicant, on his part, has submitted his parawise report which is on record. The Nodal Officer representing the non-applicant Company stated that there are two electric connections sanctioned in the name of the same consumer namely Shri Harnarayan Jodhraj in the past being service connection nos. 410013084908 and 410010662285. Out of these two connections, the first one is already permanently disconnected in the past because of non-payment of electricity bill amount of Rs.1,21,594.11. Both these connections are located in the same premises namely premises of "Jodhraj Bhavan", Sitabuldi, Nagpur. The second connection is still live. The un-paid arrears of Rs. 1,21,594/- were transferred from the account of service connection 410013084908 to the live account of connection namely connection no. 410010662285 in December, 2005 for the first time. According to the non-applicant, he is entitled to transfer this arrear amount to

the live account of the same consumer. He, therefore, pleaded that nothing wrong has happened in issuing the impugned notice dated 18.06.2008 asking the applicants to make payment of arrear amount of Rs. 1,49,644/- as it stood in May 2008.

He prayed that application for stay may be dismissed.

In this case, the applicants have requested for grant of interim stay on the recovery of arrears of Rs.1,49,644/- and also on disconnection of electricity connection, being connection no. 410010662285. It is an undisputed fact on record that both these service connections namely connection no. 410013084908 which is already permanently disconnected in the past and the live service connection, being service connection no. 410010662285 were sanctioned in the name of the same consumer Shri Harnarayan Jodhraj in the same premises. It is also admitted by the applicants that though they claim to be using supply of electricity since prior to 1998 from service connection no. 410010662285, they did not take any steps to effect change of name in the non-applicant's record in place of the erstwhile consumer Shri Harnarayan Jodhraj. They also admitted during hearing that they are the legal heirs of Shri Harnarayan Jodhraj alongwith others. The arrear amount in question has been transferred to the live account for the first time in December 2005 and no grievance, whatsoever, about such a transfer was raised by the applicants before this Forum for more than two years since the date on which the cause of action has arisen. Applicants' plea that they were not aware of the legal provisions of the said Regulations

cannot be accepted since it is a settled principle of law that ignorance of law is no excuse. It is borne out by record that both the aforementioned service connections were in the name of the same consumer for the same premises namely “Jodhraj Bhavan”.

Section 56 (1) of the Electricity Act, 2003 provides that where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee in respect of supply of electricity to him, the licensee may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee through which electricity may have been supplied, or distributed, and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Clause (a) of Section 56 (1) further provides that the supply of electricity shall not be cut off if such person deposits, under protest, an amount equal to the sum claimed from him pending disposal of any dispute between him and the licensee.

Hence, this Forum holds that the non-applicant is entitled to disconnect the power supply of the live connection through which the applicants are availing of power supply since long past since the permanently disconnected service connection and the second live connection were sanctioned in

the name of one and the same consumer namely Shri Harnarayan Jodhraj for the same premises namely “Jodhraj Bhavan”.

Moreover, the applicants have also admitted that they are the legal heirs of Shri Harnarayan Jodhraj along-with others. Regulation 10.5 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 provides 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 this case, it is an admitted position that the applicants are the legal heirs of Shri Harnarayan Jodhraj in whose name the two connections were sanctioned in the past.

In view of this position, this Forum holds that the essential requirement of first proviso to Regulation 8.3 of the said Regulations is not fulfilled by the applicants.

Hence, the application for interim stay stands rejected.

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