

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **45** of 2007

Applicant : 1)Shri Jagdish Ramchandra Prithyani,
C/o Rajesh Sales Agencies, Sindhi Market,
Shop No. 83/84, Ganj Bazar,
GONDIA.

-- VS --

Non-applicants: 1.Executive Engineer/Nodal Officer, I.G.R.C.,
Circle Office, M.S.E.D.C.L., **Gondia.**
2.Executive Engineer, C.C.O&M Dn., M.S.E.D.C.L., Gondia.

Presence: 1.Shri N. J. Ramteke, Chairman
2.Shri M.G.Deodhar, Member.
3. S. J. Bhargava, Member/Secy.

Appearance. : 1.Shri Jagdish Ramchandra Prithyani, Applicant.
2.Shri Rajesh Prithyani
3.Shri Gopichand Ishwardas Balani (Representatives)

1.Shri C.M. Khandalkar, Executive Engineer,
2.Shri B.D. Arya, Jr. Engineer
Non-Applicants.

ORDER

(Passed this 17th day of July, 2007)
(Per Shri N.J.Ramteke, CHAIRMAN)

This is an application in form Schedule 'A' of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter called the Regulations) presented by Applicant to this Forum on 19.06.2007.

The Forum issued the acknowledgement to the Applicant, called the parawise comments of Non-Applicant, on receipt of parawise comments, supplied the copies of the same to Applicant, notices were issued and served on both the parties for hearing.

The Forum heard the parties on 12.07.2007. At the time of hearing the Non-Applicant also filed the relevant CPL. Thus the Forum followed the procedure in terms of rules of natural justice as laid down under the Regulations.

The grievance of the Applicant is that he applied to the Non-Applicant for new electricity connection on 11.01.2007. The Non-Applicant failed to supply electricity as required under the Standard of Performance Regulations though he submitted the required documents and paid the processing fee of Rs.25/-. Till date no electricity connection has been given to him.

As per Regulation 6.6 of the Regulations, the Forum is empowered to entertain the application in form "A" within two years from the date of cause of action arisen. Here cause of action has arisen from 11.01.2007, though he has not approached the IGRC, Gondia. Hence, the present proceedings.

The facts in brief in this case are that Applicant presented an application for new electricity connection in prescribed form A-1 on 11.01.2007 to Non-Applicant. He purchased the land in question i.e. 2160 Sq. Ft. (200.74 Sq. Mtr.) from Shri Gopal S/o Chironjilal Agrawal vide Registered Sale-Deed dated 29.08.2006 (Record pages 14 to 20). The total areas as per the Sale-Deed of this land is 10,500 Sq. Ft.. The Junior Engineer, MSEDCL, Gondia under letter dated 12.02.2007 (Record page 5) informed the Dy. Executive Engineer about arrears on the land in question as originally this land belonged to M/s. Maharashtra Trading Company, Gondia. The total amount of arrears is Rs.2,39,780=84. The Jr. Engineer sought advice from the Dy.E.E. about supply of new electricity connection to Applicant in light of outstanding arrears.

On hearing both the parties and perusal of the record, the Forum come to conclusion and decide unanimously as under;

It is a matter of fact that the premises for which Applicant applied for new electricity connection originally belonged to Gopal Chirongilal Agrawal and three Others as per the Registration Certificate given by the General Manager, District Industries Centre, Gondia, Shri Gopal Agrawal and two Others are the partners in M/s. Maharashtra Trading Company. (Record page 40). As per the Registration Certificate dated 14.01.1987 (Record Page 41), Shri Gopal Agrawal is the partner of M/s. Maharashtra Trading Company. It means, the arrears of more than 2.39 Lakhs are outstanding against the Maharashtra Trading Company and Shri Gopal Agrawal is the partner. In this position Shri Gopal Agrawal cannot deny his liability for payment of the arrears. The MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 laid down the detailed procedure about the application for supply and processing of application under Regulations (for short Supply Code) 4 and 5.

The application for electricity supply is for the premises. Electricity is to be supplied to the premises and therefore electricity charges are applicable to the premises. The Regulation 10.5 of the Supply Code, provides for procedure for recovery of arrears from the owner/occupier / new owner of the premises. In the instant case, the erstwhile owner, Shri Gopal

Agrawal and the new owner cannot escape from payment of the outstanding arrears. However a relief is given to the new owner as per the proviso to Regulation 10.5 of Supply Code. This proviso provides for, "Provided that, except in case of transfer of connection legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of 6 months of the un-paid charges for the electricity supplied to such premises". It means, the new owner Applicant is liable for payment of the amount of arrears of electricity charges preceding 6 months from the date of temporary disconnection. The Non-Applicant make temporary disconnection on 29.03.2004 as there were outstanding arrears against M/s. Maharashtra Trading Company. It is seen from the CPL (pages 42 to 49) that the last date of receipt was 12.09.2003 after that M/s. Maharashtra Trading Company (Shri Gopal Agrawal) failed to make the payment of arrears to the MSEDCL. Since the M/s. Maharashtra Trading Company failed to make the payment of arrears, MSEDCL has rightly make temporary disconnection on 29.03.2004 and permanent disconnection on 25.02.2005.

The Distribution Licensee i.e. MSEDCL issued a circular dated 07.05.2007 (record page 38). Shri C.M. Khandalkar, Executive Engineer merely relied on background as laid down in this circular. He should have relied also on the guidelines as laid down in this circular. Attention of the Non-Applicants is drawn to the circular and the guidelines. As per this circular which is in conformity of the Regulation 10.5 of the Supply Code, subject to the decision of Hon. Supreme Court (AS per various Appeals as given in this circular).

In view of above position, the Forum is of the considered view that Applicant cannot escape from his liability about the payment of the electricity charges preceding to 6 months of temporary disconnection. The Non-Applicants directed to recover the remaining amount from M/s. Maharashtra Trading Company ---- Shir Gopal Agrawal and two Others. The Non-Applicants should follow strictly guidelines as laid down in this circular dated 07.05.2007. They should also take the undertaking from the Applicant in terms of the appeal pending before the Hon. Supreme Court. Their attention is also drawn to the last para of the circular wherein the Competent Authority for such release irrespective of the amount, is the respective Zonal Chief Engineer.

The Applicant submitted that he was no connection with arrears and the Non-Applicant can recover the arrears from the owner (Original) or by a suit in the Court of Law. This submission is not acceptable to the Forum in terms of Regulation 10.5 and the proviso thereof of the Supply Code. He is liable for payment of the arrears of electricity charges preceding 6 months from temporary disconnection. The Non-Applicants are directed to issue a revised demand note to the Applicant strictly in terms of the circular dated 07.05.2007 and the

