

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**

**M. S. ELECTRICITY DISTRIBUTION CO.LTD.**

**(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **25** of 2006

- Applicant : SMT. Sandhya Shrikant Rotkar,  
Guardian Mother of Sachin Rotkar (Minor)  
At : Aboli, Post : Kini, Taluka: Sindewahi,  
District : Chandrapur.  
-- VS --
- Non-applicant. : 1.Executive Engineer/Nodal Officer  
Internal Grievance Redressed Unit, Circle Office,  
M.S.E.D.C.L., Gadchiroli .  
2.Exe.Engineer, CC O&M Dn. MSEDCL,  
Bramhpuri.
- Presence : 1.Shri N.J.Ramteke,Chairman  
2.Shri M.G.Deodhar,Member  
3.Shri M.S.Shrisat, Member/Secy.
- Appearance. : 1. Shri G.M.Pimpalkar ,  
(Representative of Applicant)  
2. Shri H.R.Shah, Dy.Exe.Engr.  
(Representatives of non-applicants.)

**ORDER**

( Passed this 26<sup>th</sup> day of May, 2006)  
( Per Shri N.J.Ramteke, CHAIRMAN)

Shri G. M. Pimpalkar, Representative of Applicant, presented an application in schedule 'A' of MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations) on 7/4/2006 to this Forum for redressal of the grievances. Applicant sought relief from this Forum on the grounds that she applied for electricity connection to the non-Applicants for her agricultural field survey No.214/3 at village Aboli, Taluka Sindewari, District-Chandrapur. Instead of giving electricity connection, the non-applicants gave electricity bill showing arrears. The non-applicants stated that without payment of the arrears as shown in the bill, new electricity connection can-not be given.

Applicant demanded that new electricity connection should be given immediately and to disconnect unauthorized electricity connection as given by the non-Applicants to Shri S.S. Golpalliwar to be disconnected.

On receipt of above application, the Forum gave an acknowledgement as required under Regulation 6.6 of the Regulations. The copy of the grievance application alongwith enclosed papers were sent to the non-applicants under this office letter No. CGRF/NZ-R/61 DATE. 10/4/2006 for submission of their parawise comments as required under Regulation 6.7 and 6.8 of the Regulations. The non-applicants requested for grant of time upto 10/5/2006 for submission of parawise comments as the original date for the same was fixed for 21/4/2006. The Forum extended the time. The non-applicants submitted parawise comments to this Forum alongwith enclosed documents. The copy of the parawise comments alongwith enclosed documents were sent to Applicant. The Forum issued notice to both the parties for hearing as required under Regulation 6.9 of the Regulations. The Forum heard both the parties on 25/5/2006. In the meantime, representative of Applicant Shri G.M.Pimpalkar submitted an application to this Forum on 16/5/2006 to give him a fresh opportunity of hearing on the grounds as mentioned in his application. The Forum agreed to give him again a fair and reasonable chance for hearing. The Forum heard both the parties on 25/5/2006 . Shri H.R.Shah, Dy.E.E. appeared for the non-applicants with authority letter to represent their case. Shri G. M .Pimpalkar made the submissions as representative on behalf of the Applicant.

The facts in brief in this case are that the land survey No.214/3 of village-Aboli originally belonged to one Wamanrao Rotkar. Shri Sachin Rotkar through guardian mother Smt. Sandhyatai Rotkar succeeded as owner on this land. There is a pucca well in this land. As per the sale deed dtd. 23/10/2000 (Record pages 20 to 26) , the land 0.81 HR out of 1.53 HR was sold to Shri Shriniwas Sambhaiyya Golpalliwar. It is

specifically mentioned in the sale deed that Shri Golpalliwar (purchaser) and Shri Sachin Shrikant Rotkar (guardian mother Smt. Sandhyatai Rotary) will have the equal share on the water of the said well. The electricity connection for the pump was originally given in the name of Wamanrao Rotkar. Applicants consumer No. is 464060880022 . The non-applicants issued a bill of Rs. 21,580 /- on 12/11/05 to the Applicant in view of her application for electricity connection. Since the electricity charges were not paid by Applicant and in arrears, the non-Applicants made permanent disconnection of electricity connection of Wamanrao Rotkar in respect of the electricity bill in the above field. Advocate of Shri Golpalliwar issued a notice on 29/7/2005 to Applicant (Record page 6) . There was also a compromise between Applicant and Shri S.S.Golpalliwar on 2/8/2005 (record page 7) . The non-applicants gave a separate electricity connection for the agricultural motor pump to Shri Golpalliwar in July,2002.

The main contention of Applicant is that Shri Golpalliwar was in possession of the total land (1.53 HR) since 1998 and, therefore, the arrears should be shown against him. Applicant is not liable for the arrears of Rs. 21,580/- . Applicant also contended that the non-applicants gave electricity connection for the agricultural motor pump to Shri Golpalliwar without her knowledge and consent. The non-applicants should have recovered the amount of arrears from Shri Golpalliwar before giving electricity connection to him. In fact the well lies in the land owned by Applicant i.e. 0.72 R out of survey No. 214/3 .

The main contention of the non-Applicants is that Applicant made an application to them for new electricity connection on 1.8.2005 . On inspection of the premises and verification of the record, it came to their notice that the electricity connection was already given in the name of deceased Wamanrao Rotkar . She failed to make the payment of electricity charges and was in arrears of Rs. 21,571.77. As per

circular of the M.S.E.D.C.L. , without recovery of P.D. charges , no new connection can be given. Applicant is in arrears with P.D. and unless P.D. arrears are paid by Applicant , new connection of electricity cannot be given. When new electricity connection was given to Golpalliwar on 17/7/2002, agricultural motor pump of Wamanrao Rotkar was in operation. It was permanently disconnected on 22/8/2003.

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

Shri M.G.Deodhar, Hon'ble Member of the Forum, is of the opinion that Applicant is not liable for making payment of the arrears as shown by the non-applicants as the electricity charges are on the premises and not on the person. Shri Golpalliwar was in possession of the total land and, therefore, it was the duty of the non-applicants to recover arrears from Shri Golpalliwar and not from Applicant. This dissent opinion is not acceptable to the majority (Shri N.J.Ramteke,Chairman and Shri M.S.Shrisat, Member Secretary) on the grounds that Applicant has not made any protest to non-applicants when the arrears of Rs. 15,490/- were shown in Oct,2001 for the period 31.3.2001 to 30/9/2001 . Shri Pimpalkar could not give any satisfactory reply at the time of hearing why Applicant remained silent when the bill was given to Applicant on 7/10/2001. There is nothing on record to show that applicant made any correspondence with non-applicants about this bill. The P.D. was made on 22/8/2003 whereas the above bill pertains to 7/10/2001. Thus the view of Shri Deodhar can not come to the rescue of Applicant to deny the liability about payment of arrears.

Shri Deodhar also differed with the majority on the grounds that Applicant should get relief under section 56(2) of the Electricity Act,2003. Shri Deodhar contended in favour of Applicant that the D.L. failed to give continuously the electricity bill as arrears of charges recoverable from Applicant. This view is not acceptable to the majority on the

grounds that the D.L. gave bill on 7/10/2001 and the P.D. was done on 22/8/2003. The copy of the C.P.L. (Record Page 28) shows recording of various charges in the prescribed proforma right from Sept,1999 to May,2005. Shri Pimpalkar is a resident of Nagpur and, therefore, is not aware whether the bills were given continuously to Applicant or otherwise. The non-applicants specifically contended that regular bills were given to Applicant as per the C.P.L. Thus the provision under section 56(2) is not attracted and, therefore, the view as expressed by Shri Deodhar is not acceptable to the majority.

The majority observe that Applicant failed to take a note of the arrears as issued on 7/10/2001 by the D.L. It was her duty to take-up the matter with the non-applicants and to bring the facts to the notice of the non-Applicants that agricultural pump was used by Shri Golpalliwar for the whole land as he was in possession. But she failed to do so. There is nothing on record to show and establish that Shri Golpalliwar was in possession of the whole land i.e. 1.53 HR . There is no legal transfer of the whole land, in the name of Shri Golpalliwar. On the basis of mere alleged possession, the Forum can not give any direction to the non-applicants about correction of the bill. They have rightly issued arrears bills in the name of Wamanrao Rotkar.

The M.S.E.D.C.L. issued a circular for the P.D. arrears on 18/8/2005 . It has been clearly laid down in this circular that without recovery of P.D. arrears , new connection can not be given. The non-applicants have no option but to follow the mandate of this circular. The entry in 7/12 record (Record page 4) clearly reveals that Applicant is the owner of the 0.72 HR land , survey No. 214/3 and this land is irrigated by the said well. It means, the Applicant was in possession of this land with irrigation facility from the well. Applicant can not overrule the entries as shown in this 7/12 record.

Shri G.M.Pimpalkar is relying upon the notice dtd. 29/7/2005 (Record page 6) to show that Shri Golpalliwar was in possession of the whole land from 1998. This notice does not make anything clear to establish the possession of Shri Golpalliwar on the whole land in light of the entries as shown in 7/12 record. It is also clear from the compromise deed dt. 2/8/2005 that Shri Golpalliwar and Applicant will share water of the well for their respective field ( 0.81 HR and 0.72 HR) . It is surprising to note that nothing has been mentioned in this compromise deed about the arrears of electricity bill. since Applicant was aware of the arrears as shown in the bill dated 7/10/2001 and compromise deed was made on 2/8/2005 why Applicant has not mentioned about shifting the responsibility on Shri Golpalliwar to make the payment of electricity bill ?. Applicant remained silent. It means, Applicant was using the electricity for the said pump before permanent disconnection. Applicant utilized the electricity and is in arrears. Thus Applicant is liable for making the payment of the arrears as mentioned in the above bill issued by the D.L. The non-Applicants have rightly taken the stand that without payment of P.D. arrears , new electricity connection can not be given to Applicant. At the time of fresh hearing , Shri Pimpalkar could not bring any new facts to the notice of the Forum as claimed by him in his application date. 16.5.2006.

Shri G.M.Pimpalkar mentioned in his application dtd. 16/5/2006 that one Shri Shriniwas Sambhaiyya Golpalliwar, resident of Sindewahi, was in possession of the total land alongwith well and the pump and, therefore, he is to be added as a party in the present case. In view of this application, notice was issued to Shri Golpalliwar for hearing to ascertain the facts. Shri Golpalliwar remained absent on the date of hearing and , therefore, there is no confirmation about the claim of Applicant that Shri Golpalliwar was in possession of the total land.

In view of the above position and circumstances, the majority found that the present application failed and, therefore, does not deserve for any relief. It needs to be rejected.

**ORDER**

1. Application is rejected .
2. Parties to bear their own cost .

**CHAIRMAN**

**MEMBER**

**MEMBER/SECY.**

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L.(NAGPUR ZONE – RURAL)NAGPUR**

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CGRF/NZ/R/ 108

Date: 30<sup>th</sup> May,2006.

Certified that this is the true and correct copy of the above order.

Member/Secy/ Exe.Engineer,  
C.G.R.F.(NZ-R)MSEDCL  
N A G P U R

Copy to:

1. Smt. Sandhya Shrikant Rotkar.At-Aboli, Post: Kinhi, Taluka-Sindewahi, Dist-Chandrapur.
2. The Chief Engineer, NZ, MSEDCL, Nagpur.
3. The Exe.Engineer/NO, I.G.R.U.,Circle Office, Gadchiroli .
- 4.The E.E., C.C.(O&M)DN., M.S.E.D.C.L., Bramhpuri.

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Office of -

The Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606-608, Keshava Building,  
Bandra-Kurla complex,  
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)  
022 - 26590339 (Office)