

order passed under no.SEG/Tech/3422 dated 09-10-2013. Feeling aggrieved by the aforesaid order, the applicant presented the instant application under the provisions of regulation 6.4 of the MERC (CGRF and EO) Regulations 2006.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EEG/Tech/7212 dated 09-12-2013. The case was fixed for personal hearing on 17-12-2013. The applicant himself was present. His authorized representative Shri K.S.Parihar argued the case on his behalf. Shri Abdul Salam, Deputy Executive Engineer, Gondia, Shri Sunil Mohurle, Junior Engineer, Gondia city & Shri Abhay Meshram, UDC represented the respondent. Both the parties were heard. On perusal of the record it was noticed that the notice for disconnection served upon the applicant was not placed on record. The respondent was directed to produce the same within two days. However till today the respondent has not produced the copy of the notice.

4. Shri Parihar argued that the applicant is a domestic consumer bearing no.430010423001. He is paying the electricity charges regularly. There are no arrears whatsoever against the applicant. Eventhen the respondent threatened to disconnect the power supply. The respondent alleged that there are arrears of Rs.96,000/- against the applicant. It is true that there was one connection bearing no.430010059181. It was in the name of one Mr.P.C.Joseph It was disconnected permanently. Thereafter the applicant took a new connection. So the applicant is not responsible for the arrears standing against Shri Joseph. Eventhen the respondent threatened to disconnect the

power supply. Finally the applicant gave a cheque of Rs.96,000/-. The applicant is entitle for refund of this amount.

Evenwhen the cheque was with the respondent, the respondent disconnected the power supply of the applicant during the period from 04-06-2013 to 08-06-2013. No notice for disconnection of power supply was served upon the applicant. The disconnection is totally illegal. The applicant had to hire a generator set during the aforesaid period. Since the disconnection was illegal, compensation as provided under the Regulations may be awarded to the applicant. The applicant also claimed the hire charges given to the owner of the generator set.

5. Shri Abdul Salam replied on behalf of the respondent. He referred to the written reply dated 09-12-2013. It was further stated that previously connection was existed in the name of Shri Joseph. There were arrears of Rs.96,000/- against this connection. It is true that the connection is disconnected permanently. However now the property is in possession of the applicant. So the liability is transferred to the applicant. The applicant is aware of all these facts that is why, previously he gave a cheque of Rs.50,000/- . The cheque was dishonoured. The applicant also paid the penalty charges. Thereafter the applicant gave a cheque of Rs.96,000/- The applicant paid the amount of arrears standing against the P.D. connection. There is no illegality.

The applicant was in arrears of electricity charges. So his power supply was temporarily disconnected on 04-06-2013. The applicant gave a cheque of Rs.96,000/- bearing no.033528 dated 06-06-2013. The applicant also deposited reconnection charges @ Rs.50/- on 08-06-2013. The cheque amount got deposited in the account of

the company on 08-06-2013. So the power supply was immediately restored on 08-06-2013. There was no delay in the reconnection of power supply. So the applicant is not entitle for any compensation.

The application has no force, it may be dismissed.

6. Having heard the parties and on perusal of the material on record, it reveal that the applicant has grievance on two counts. 1. The respondent wrongly recovered the amount of Rs.96,000/- from the applicant. 2. The respondent disconnected the power supply without giving him a notice properly.

As per the applicant a representative of the respondent came to his house. He threatened to disconnect the power supply. In alternative he demanded the arrears amount of Rs.96,000/-. He had not given any details of the arrears. So under pressure the applicant handed over a cheque of Rs.96,000/-. There are no arrears recoverable from the applicant.

In reply the respondent stated that there was a connection bearing no.430010059181 in the premises presently occupied by the applicant. The connection was in the name of one Mr.P.C.Joseph. There was arrears of Rs.95975/- against this connection. This connection was permanently disconnected on 19-10-2010. Since the premises are occupied by the applicant he is responsible for payment of the arrears amount. The applicant is well aware of these facts. Previously he gave a cheque of Rs.50,000/-, bearing no.269029 dated 31-10-2009. The cheque was dishonoured. The applicant tried to deceive the respondent. The applicant was not paying the arrears amount so the existing connection was temporarily disconnected. Thereafter the

applicant deposited Rs.96,000/- vide cheque no.033528 dated 06-06-2013. Since the amount related to the P.D. connection it was deposited in the name of Shri P.C.Joseph.

Applicant Shri Ravindra Kesharao Larokar was present. When asked whether the premises previously occupied by Shri Joseph are in his possession at present. He admitted the position. He also admitted that there were arrears of Rs.95,975/- against the connection recorded in the name of Shri Joseph.

From the aforesaid position it is clear that the applicant was responsible for payment of the arrears amount standing in the name of Shri Joseph. The respondent recovered the amount.

However the respondent ignored the provisions of Regulation 10.5 of the MERC (electricity supply code and other condition of supply) Regulations 2005.

The provision reads as under,

10.5 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 the 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 case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to the maximum period of Six(6) months of the unpaid charges for electricity supplied to such premises.

In the instant case the respondent has not produced any documentary evidence about the period of the arrears. So it is necessary that the respondent should recalculate the amount of arrears as per the proviso to Regulation 10.5.

Secondly, the applicant allege that the respondent disconnected his power supply without any notice. The respondent also admitted that the power supply was disconnected on 04-06-2013. Unfortunately neither the Executive Engineer, Gondia nor the Nodal officer was present at time of hearing. Shri Abdul Salam, Dy.Executive Engineer was asked as to whether a notice was properly served upon the applicant before disconnection. He could not explain anyway. So he was directed to produce a copy of the notice served upon the applicant within two days. However till today there is no response from the respondent. Even though there was specific allegation from the applicant on this count, the respondent has neither produced the notice nor gave any clarification in this regard. So we conclude that the respondent disconnected the power supply of the applicant without proper notice to the applicant.

The applicant also claimed compensation under SOP. On perusal of the record it reveal that the respondent got the amount on 08-06-2013. It is also seen from the letter of the Junior Engineer dated 08-06-2013 that the supply was reconnected on 08-06-2013 itself. So we not inclined to grant any compensation.

In view of the facts and circumstances discussed above, we pass the following order,

ORDER

- i) Application No.103 of 2013 is partly allowed. The respondent should recalculate the amount recoverable from the applicant as per the provisions of proviso to Regulation 10.5. The respondent shall refund the excess amount to the applicant, if any.
- ii) No order as to cost.

Sd/- (Adv.Gauri D.Chandrayan)	Sd/- (Ms.S.B.Chiwande)	Sd/- (Vishnu S. Bute)
<u>MEMBER</u>	<u>MEMBER SECRETARY</u>	<u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd. 1st day of January, 2014)</u>		

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

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NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 01st January, 2014 in Case No.103 / 2013 is enclosed herewith.

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

To,
Shri Ravindra Kesharao Larokar, Gurunanak ward, Ganeshnagar, Gondia, Dist.Gondia

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Gondia
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Gondia
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670