

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

Case No. CGRF(NUZ)/173/2014

Applicant : Smt. Geeta S. Urkude,
Plot No. 138, Manish Layout,
Sheshnagar, Kharbi Road,
Nagpur : 35.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL, N.U.C.,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 15.9.2014.

1. The applicant filed present grievance application before this Forum on 19.7.2014 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Along with main grievance application, applicant also claimed interim relief under regulation 8.3 of the said regulations.

3. The applicant's case in brief is that in the bill of April 2014, P.D. arrears of somebody else are added. It is illegal. Therefore applicant requested to revise the bill. Further more, applicant

claimed to cancel notice u/s 56 of Electricity Act 2003 for disconnection and claimed interim relief not to disconnect electricity supply till disposal of the matter.

3. Non applicant denied applicant's case by filing reply dated 22.7.2014. It is submitted that there were P.D. arrears on this premises in the name of Shri Vijay Shankarrao Urkude Consumer No. 410013851828 amounting to Rs. 33766/-. According to regulation 10.5 of MERC supply code, the PD arrears are included in the bill of the applicant Smt. Geeta S. Urkude. According to regulation 10.5 of MERC supply code regulations 2005, "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 maybe". Therefore adding P.D. arrears of Shri Vijay S. Urkude in the bill of the applicant on the same premises is legal and proper. There are arrears of Rs. 39,460/- and therefore notice u/s 56 (i) of Electricity Act 2003 is issued. It is legal and valid.

4. Forum heard arguments of both the sides and perused the record.

5. So far as interim relief is concerned, SNDL gave in writing on 22.7.2014 that they will not disconnect the electricity

supply till finalization of this matter and therefore interim relief was fully redressed.

6. So far as main relief is concerned, it is a matter of record that there are P.D. arrears of Rs. 33766/- against same premises in respect of Shri Vijay S. Urkude, Consumer No. 410013851828. It is true that consumer number of the applicant is 410015630721. However, record shows that Shri Vijay S. Urkude is s/o the applicant Sau Geeta S. Urkude. It is true that connection of the applicant is since 16.12.2002 and connection of Shri Vijay S. Urkude is P.D. on 3.10.2010. But both the connections are in one and same premises. It is true that as connection of Shri Vijay is disconnected on 3.10.2010, therefore P.D. arrears are included in the bill of the applicant. Section 56 of Electricity Act 2003 reads as under : -

“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 or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company 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 or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled 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”.

7. Therefore bearing reading of section 56 of Electricity Act 2003 shows that where any person neglects to pay any charge for electricity or any sum other than charge of electricity due from him to distribution licensee or generating company in respect of supply, transmission or distribution or wheeling of electricity to him, licensee may after giving not less than 15 days notice in writing to such person and without prejudice to his right to recover such charge, cut off the supply of electricity and for that purpose, **cut or disconnect** any electricity supply line(.) Therefore in commentary book of Electricity Act 2003, interpretation of “**Any Electricity Supply Line**” is given and as per the said interpretation though these are two different consumers being mother and son, still distribution licensee is authorized to recover P.D. arrears of Shri Vijay from applicant Smt. Geeta as per interpretation of word “**Any Electricity Supply Line**” given in section 56 of Electricity Act 2003 and hence adding these P.D. arrears of Shri Vijay in the bill of applicant is legal and proper within the meaning of section 56 of Electricity Act 2003. It is an admitted fact that non applicant had issued legal notice u/s 56 (1) of Electricity Act, and after service of such valid notice he is authorized to disconnect the supply in case arrears are not paid within the stipulated period.

7. Therefore we hold that notice u/s 56 of Electricity Act 2003 issued by non applicant is legal and proper and P.D. arrears of Shri Vijay (of Any other electricity supply line) added in the electric bill of the applicant mother is legal and proper. Therefore we find no substance in present grievance application and application deserves to be dismissed.

8. We must mention here that Shri Vijay is not stranger but s/o of the applicant. Premise is one and the same. As per regulations, only one connection is permissible in one premise. There is nothing on record to show that there is any partition between Shri Vijay and Smt. Geeta. We can not loose site of the aspect that there are certain clever consumers who take electric connection first in the name of one family member and after accumulating the arrears allow distribution licensee to disconnect and after the disconnection, they again file application for fresh connection in the name of another family member with dishonest intention not to pay previous energy charges. It is the similar type of litigation. Shri Vijay s/o of the applicant was having separate connection but he allowed to disconnect the electricity supply in the year 2010 and connection of the applicant was continued which is not permissible on the same premises.

9. Therefore application is not bonafide and deserves to be dismissed. Hence following order : -

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN