

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

Case No. CGRF(NZ)/78/2016

Applicant : Shri Pradeep D.Rotkar
User: Shri Vijay Patil
A/46, Savitri Vihar
Somalwada,Nagpur-15.

Non-applicant : Nodal Officer,
The Executive Engineer,
Congress Nagar Dn.,MSEDCL,
NAGPUR.

Applicant :- In person.

Respondent by 1) Shri K.P.Bhise, EE, Congresnagar Dn.
2) Shri Mankar, Adnl.EE, Trimurti S/Dn.

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

2) Shri N.V.Bansod
Member

3) Mrs.V.N.Parihar
Member/Secretary

ORDER PASSED ON 11.07.2016.

1. The applicant filed present grievance application before this Forum on 15.06.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case is that, in the year 1997 he purchased 2 Tenements namely

A/45 & A/46 from from Mr.Ramesh D.Pathrotkar and Mr. Pradip D.Pathrotkar as per registered sale deed. Applicant was not aware that electric meter is in the name of one Savitri Vihar in tenement No.A/45 owned by Shri Ramesh Pathrotkar. Applicant used only one meter in both tenements. The meter in the tenement of Shri Pradip Pathrotkar was used in both houses since 1997. Applicant did not apply for change of name till filing of grievance application.

3. Suddenly applicant received notice of MSEDCL calling upon him to pay arrears of Rs.12498.95 p.s. within 15 days failing which supply shall be disconnected under section 56 of Electricity Act 2003. Therefore applicant approached to this forum under Regulation 65 of the said Regulation and claim not to disconnect the supply till disposal of the matter and to revise the bill.

4. Non-applicant denied the applicant's case by filing reply dated 20-06-2016. It is submitted that user of electric meter the applicant Shri Vijay Patil purchased to tenement in 1997. Supply of one house was permanently disconnected in 1999. User Shri Vijay Patil was utilizing electricity meter of tenement No.A/46 illegally and unauthorizely in tenement No.A/45 therefore liable for action under section 126 of Electricity Act 2003. It is also offence according to under section 138 of Electricity Act 2003. Legal notice is served to the applicant.

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

6. It is admitted facts that applicant Shri Vijay Patil purchased tenements No.A/45 & A/46 in 1997 but till filing of grievance application he did not apply for change of name. According to Regulation 10 of MERC (Electricity supply code and other conditions of supply) Regulations, 2005 It is necessary for the applicant to apply for

change of name. He is sleeping over his right years together. Since last 18 years he did not apply for change of name. Therefore applicant Shri Vijay Patil has to apply for change of name immediately.

7. Officer of MSEDCL argued that meter in tenements No.A/45 was permanently disconnected in 1999 and P.D. arrears of that meter are charged in the electric meter tenement No.A/46. It is admitted fact that applicant is purchaser of the property. According to Regulation 10.5 **proviso** of MERC (Electricity supply code and other conditions of supply) Regulations, 2005 it is specifically laid down that,

“ 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”.

8. Therefore so far as arrears of electricity bill of previous owner of tenement is concerned, applicant is liable to pay electricity charges maximum period of six(6) months according to this provision. Therefore MSEDCL shall revise the bill accordingly to said provision of Regulation 10.5 **Proviso**.

9. Furthermore MSEDCL Executive Engineer, Congressnagar Division mentioned in reply dated 20-06-2016 that applicant illegally utilize electric energy from electric meter of tenement No.A/46 in tenement No.A/45 and therefore applicant is liable for action under section 126 and 138 of Electricity Act 2003. In notice under section 56 of Electricity Act 2003 also there is reference that the applicant is utilizing illegal electric supply. However for the reason best known to Executive Engineer Congress Nagar Division no action under section 126 and 138 of Electricity Act 2003 is taken.

Concerned officer of MSEDCL are mentioning facts in their reply recording illegal act of section 126 and 138 of Electricity Act 2003 but they have not taken any action under this section for the reason best known to them. Therefore in facts it is a matter of departmental enquiry to be conducted by Competent Authority about this attitude. Furthermore no action is taken by MSEDCL for recovery of P.D. amount since 1999 therefore it is negligence on the part of officer and needs departmental action in accordance to Rules and Regulations. If really applicant is illegally utilizing electricity from meter of A/46 to another house tenement No.A/45, it is liable for action as per existing legal provision but Executive Engineer Congresnagar Division is giving shelter to the applicant and gave loose rope with intent to save skin of the applicant this attitude means it is hot and cold in the same breath therefore needs to conduct departmental enquiry into the matter.

10. We have carefully perused notice under section 56 of Electricity Act 2003 issued by Additional Executive Engineer, Trimurtinagar Subdivision, MSEDCL Nagpur however it is noteworthy that at the top to bottom of this notice or anywhere no date is mentioned in the notice. Therefore it appears that it is undated notice and hence patently illegal. Therefore needs to be set aside. Question arose whether undated notice was knowingly issued to favour the applicant to get it set aside in the forum. It is not proper on the part of officers of MSEDCL.

11. For these reasons in our opinion it is necessary to partly allow the grievance application.

12 Hence we proceed to pass the following order.

ORDER

- 1) Grievance application is partly allowed.
- 2) Non-applicant issued Notice under section 56 of Electricity Act 2003 for recovery of Rs.12499/- is undated and therefore it is illegal and set aside and cancelled.
- 3) Non-applicant MSEDCL is directed to recover P.D. arrears restricted to maximum period of 6 months of the unpaid charges for electricity supply according to Regulation 10.5 **proviso of MERC (Electricity supply code and other conditions of supply) Regulations, 2005** and accordingly to revise outstanding amount of P.D. arrears and thereafter to issue revise electricity bill to the applicant.
- 4) Applicant is directed to apply for change of name of the meter according to Regulation 10 of MERC (Electricity supply code and other conditions of supply) Regulations, 2005. Failing which MSEDCL shall take suitable action in accordance with Rules.
- 5) Competent Authority is requested to conduct departmental enquiry against defaulter officer of MSEDCL who acted in the negligent way and did not take suitable action within stipulated time in accordance with Rules and Regulations & to take suitable action as per Law.
- 6) Officer is directed to send separate copy of judgement to Nagpur Zone Nagpur for information and necessary action.
- 7) Non-applicant MSEDCL is directed to comply this order within 30 days from the date of this order.

Sd/-

(N.V.Bansod)
MEMBER

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sd/-

(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-

(Shivajirao S. Patil),
CHAIRMAN

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