

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

Case No. CGRF(NUZ)/155/2014

Applicant : Shri Manoj Manikrao Bhagat,
Khobragadenagar, Adarshanagar,
Nagpur.

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 5.8.2014.

1. The applicant filed present grievance application before this Forum on 23.6.2014 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that P.D. arrears of Rs. 48857/- in respect of Consumer No. 410017622939 have been wrongly charged in his bill of May 2014 and therefore he requested to withdraw this amount from his bill. He purchased the premises in question from one Shri Akash S. Labhane who had electric connection bearing Service Connection No. 410017622939. This connection was

permanently disconnected in August 2013, for want of payment of arrears of Rs. 48902.85 outstanding against said Shri Akash S. Labhane. He filed grievance application before I.G.R.C. vide Case No. 455/14 which is decided on 20.6.2014. Being aggrieved by the said order passed by Learned I.G.R.C. the applicant filed grievance application before this Forum.

3. Non applicant denied applicant's case by filing reply dated 9.7.2014. It is submitted that according to provisions of regulation 10.5 of MERC's Supply Code Regulations 2005, P.D. arrears can be recovered from the successor in title. As per order of Learned I.G.R.C., SNDL has charged only 6 months arrears. Grievance application deserves to be dismissed.

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

5. It is an admitted fact that applicant purchased disputed premises from Shri Akash S. Labhane who had electrical connection bearing No. 410017622939. This service connection was permanently disconnected in August 2013 for want of payment of arrears of Rs. 48902.85 outstanding against the premises since then. Regulation 10.5 of MERC (Electricity Supply Code & Other Conditions of Supply) 2005 reads as under :-

“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 / successor-in-law or

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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 representative or successors – in – law or new owner / occupier of the premises, as the case may be.:

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.

6. It is an admitted fact that the applicant is not legal heir of Shri Akash S. Labhane but successor in law independently and hence according to proviso of regulation 10.5 cited above, SNDL can recover P.D. arrears only for six months from the date of disconnection. These arrears are arrears against premises and not against person. Therefore we find no force in grievance application.

7. We have carefully perused order passed by Learned I.G.R.C. It is legal and valid. Simply it is not specifically explained in the order which six months period has to be considered, whether initial period of six months from the date of disconnection or six months period from the date of last payment or six months period from permanent disconnection. It is true that Learned I.G.R.C. calculated amount of Rs. 29658.15 being unpaid outstanding dues for six months period, but there is no specification for which period this amount is calculated. On careful perusal of reply of the non applicant Dt. 9.7.2014, it appears that this amount of Rs. 29758/- is calculated for the period of six months from the date of last payment. But this specification given in reply of non applicant is not appearing in the order passed by Learned I.G.R.C. and therefore considering relevant

regulation, it is desirous to express which period of six months has to be taken into consideration. In our considered opinion, this six months period has to be calculated from the date of permanent disconnection. Hence the following order : -

ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant is hereby directed to recover unpaid outstanding dues for a period of six months prior to the date of disconnection according to regulation 10.5 of MERC (Electricity Supply Code & Other Conditions of Supply) 2005.
- 3) Non applicant is directed to submit compliance within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN