

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

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**Case No. CGRF(NUZ)/077/2015**

Applicant : Shri Mohd.Bashir Sk.Sukrulla,  
Teka,  
New Basti,  
Nagpur : 17.

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

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Appellant :- In Person.

Respondent by 1) Shri Rody, Nodal Office.  
2) Shri Dahasahastra, SNDL Nagpur.

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

2) Adv. Subhash Jichkar  
Member.

3) Shri Anil Shrivastava,  
Member / Secretary.

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**ORDER PASSED ON 28.5.2015.**

1. The applicant filed present grievance application before this Forum on 1.4.2015 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 in brief is that P.D. Arrears of Rs. 33379/- in respect of erstwhile P.D. consumer Smt. Noorjahan Bashir Mohd. (wife of the applicant) with Consumer No. 410010931511 have wrongly been charged in the bill of February 2015. Therefore he requested to withdraw the same from the bill. No steps were taken. Therefore he approached to I.G.R.C. I.G.R.C. in case No. 249/15 decided on 30.3.2015 held that applicant is new occupant of the said premises and therefore liable to pay unpaid dues of erstwhile consumer limited to a period of six months as provided in Regulation 10.5 of MERC (Electricity Supply Code and other Conditions of Supply) Regulations 2005. Therefore I.G.R.C. directed to revise the amount of P.D. arrears recoverable from the applicant limited to Rs. 10170/-. Being aggrieved by the said order passed by I.G.R.C. applicant approached to this Forum.

3. Non applicant denied applicants by filing reply Dt. 15.4.2015. It is submitted that electricity supply of Smt. Noorjahan Consumer No. 410010931511 was permanently disconnected for non payment of P.D. arrears amount of Rs. 33379.46. Applicant Mohd. Bashir Sk. Sukrulla came to reside in the same premises being Consumer No. 410018155650. Therefore these P.D. arrears are added in his bill of February 2015 according to the provisions of regulation 10.5 of MERC (Electricity Supply Code and other Conditions Of Supply) Regulations 2005. As per order passed by Learned I.G.R.C. Dt. 30.3.2015, this amount of

P.D. arrears is revised to Rs. 10170/- and accordingly SNDL will comply the order passed by Learned I.G.R.C. Grievance application deserves to be dismissed.

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

5. It is evident from the record that P.D. arrears of Rs. 33379.46 of Smt. Noorjahan Bashir Ahmad (wife of the applicant) Consumer No. 410010931511 are added in the bill of the applicant in February 2015. Connection of Smt. Noorjahan Bashir Ahmad (wife of the applicant) was permanently disconnected in February 2014. It is an admitted fact that premises is one and the same. Record also shows that the applicant is husband of Smt. Noorjahan Bashir Ahmad.

6. Regulation 10.5 of the MERC (Electricity Supply Code and other Conditions of Supply) 2005 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 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 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”.*

7. Therefore applicant is legal representative & husband of Smt. Noorjahan Bashir Ahmad. Applicant is not new successor in title. Applicant is not independent purchaser of the property. Therefore such arrears can not be limited for a period of six months only, so far as legal representative / husband is concerned. This facility of “limited period of six months” is provided by the regulation only to new successor in title or new purchaser of the property. Therefore in our opinion order passed by Learned I.G.R.C. Dt. 30.3.2015 is patently illegal and must be set aside and cancelled. In our considered opinion, SNDL is entitled to recover this entire amount of P.D. arrears of Rs. 33379.46 from the applicant.

8. Furthermore, it appears that certain employee / officers of SNDL are playing mischief. It is rather surprising to note that connection of Smt. Noorjahan Bashir Ahmad in the same premises was permanently disconnected in February 2014. Another surprise is that husband of Smt. Noorjahan Bashir Ahmad i.e. applicant applied for new service connection and new connection is given to him vide Consumer No. 410018155650 and his date of supply is 16.12.2014. When P.D. arrears of Rs. 33379.46 of wife of the applicant Smt. Noorjahan Bashir Ahmad were due / unrecovered, in such circumstances when her husband i.e. applicant applied for new connection vide Consumer No.

410018155650, at that time it was necessary for officers / employees of SNDL not to issue fresh connection to the applicant without payment of P.D. arrears on the property. However, it appears that the applicant joined hands with concerned officers / employees of SNDL and succeeded to get new connection vide Consumer No. 410018155650, **“with payment of P.D. arrears on the same premises”**. Therefore it is a matter of enquiry in accordance with law against concerned officers / employees of SNDL as to why and for what purpose they released new connection No. 410018155650 in the name of the applicant without payment of P.D. arrears and why supply was given since 16.12.2014.

9. Therefore we hold that SNDL is legally entitled to recover the entire P.D. arrears of Rs.33379.46 from the applicant according to regulation 10.5 of MERC (Electricity Supply Regulations and other Conditions Of Supply) Regulations 2005. Hence following order :-

#### ORDER

- 1) Grievance application is dismissed.
- 2) Order passed by Learned I.G.R.C. in Case No. 249/15 Dt. 30.3.2015 is hereby set aside, quashed and cancelled.
- 3) It is hereby declared that SNDL is entitled to recover P.D. arrears of Rs. 33379.46 from the applicant. Therefore bill of the applicant be revised as per above directions given in this order.

- 4) Business Head of SNDL should initiate departmental action against defaulting officers/ employees of SNDL who have released electricity connection in the name of the applicant since 16.12.2014 vide Consumer No. 410018155650 in the same premises without insisting to deposit amount of P.D. arrears and to take action in accordance with law.
- 5) Compliance should be reported within 30 days from the date of this order.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN