

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

Case No. CGRF(NUZ)/74/2012

Applicant : Smt. Savita Rajendra Ghavsel,
At Nava Nakasha, Opp. Masjid,
Kidwai Road, Lashkaribagh,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
M.S.E.D.C.L. NAGPUR.

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 17.9.2012.

The applicant filed present grievance application before this Forum on 17.7.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant's case in brief is that the applicant filed an application for Electrical Connection but connection is not given since last 3 to 4 months. Therefore the applicant claimed to give new service connection to the applicant so also compensation of Rs. 5000/-.

2. M/s. SPANCO franchisee of distribution licensee denied the applicants case by filing reply Dt. 1.8.2012. It is submitted that one Shri Rajendra Ghavsel (Husband of the applicant) filed an application for new connection on 18.1.2012. On spot inspection, it is found that previously there was connection on this site in the name of Shri Ramesh Ghavsel, Consumer No. 410011057105 and it was connected on 21.1.1972. Account Book (CPL) of the applicant shows that said consumer Shri Ramesh Ghavsel did not pay electricity bills and there are arrears of Rs. 15712/- till the end of April 2010. Due to these arrears his connection was permanently disconnected in April 2010. It was informed to Shri Rajendra Ghavsel as per letter Dt. 15.2.2012 that there are arrears on the premises / site and therefore the application for New Service Connection filed by Shri Rajendra Ghavsel is rejected. On tax receipt of the house, various owners are shown namely Shri Ramesh Ghavsel, Shri Rajendra Ghavsel and 2 other brothers. There is reference name of Shri Ramesh Ghavsel in "No Objection" given by other brothers and produced by Shri Rajendra Prasad. Smt. Savita R. Ghavsel is the wife of Rajendraprasad Ghavsel and she filed the application for electrical connection on 17.4.2012. On inspection of the spot it is found that there are arrears of Rs. 15736/- on this site. Therefore it was informed that new connection will be given after payment of arrears. The application may be dismissed.

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

4. Record shows that there was arrears of Rs. 15736/- against the premises. According to regulation 10.5 of MERC

(Electricity Supply Code and other Conditions of Supply) Regulations 2005, any charge for electricity or any sum other than the charge for electricity due to the distribution licensee which remains unpaid by deceased consumer or erstwhile owner/occupier of any premises as the case may be, shall be the charge on the premises transmitted to the legal representative / successors in title 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 representative or successor-in-law or new owner / occupier of the premises as the case may be. Provided that except in case of transfer of connection to 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.

5. Tax receipt of NMC about this premises is jointly issued in the name of Rajendra (Brother of Ramesh, Brother of Harishchandra, Brother of Ramratan, brother of Gendlal S/o Ramesh Ghavsel. Therefore the applicant is legal representative of previous consumer Shri Ramesh Ghavsel. While deciding the grievance application before the Forum, we have to consider interest of the consumer at large and therefore in our opinion all the legal representatives of Shri Ramesh Ghavsel, the previous consumer, are equally liable to pay the arrears on the premises i.e. 15,736/-. Therefore it is necessary to have coordination in all these legal representatives for payment of arrears of electricity bill. Therefore M/s. SPANCO is at liberty to recover these arrears of Rs. 15736/- from all legal representatives of previous connection holder Shri Ramesh Ghavsel. If all these co-owners join together and equally pay amount of Rs. 15736/-, they are entitled to get new service connection on

complying necessary formalities. We must make it clear that if entire amount of arrears i.e. Rs. 15736/- is not paid by all legal representatives, they will not be entitled to get new service connection. Therefore M/s. SPANCO is at liberty to recover these arrears amount equally from all legal representatives and on such recovery shall give fresh connection to the applicant. Hence Forum proceeds to pass following order :-

ORDER

- 1) The Grievance application is partly allowed.
- 2) The applicant Smt. Savita Rajendra Ghavsel and all other legal representatives of previous consumer named Shri Ramesh Ghavsel shall jointly and equally deposit the amount of arrears Rs. 15736/- being the arrears on the premises.
- 3) On full and final payment of Rs. 15736/- by the applicant and all other legal representatives jointly and equally, the non applicant shall issue fresh electric connection to the applicant after the applicant comply all other formalities as per rules and regulations.
- 4) Non applicant is hereby directed to comply the order within 30 days from the date of this order.

Sd/- (Smt.K.K.Gharat) MEMBER SECRETARY	Sd/- (Adv.Smt.GauriChandrayan) MEMBER	Sd/- (ShriShivajirao S.Patil) CHAIRMAN
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