

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

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**Case No. CGRF(NUZ)/013/2008**

Applicant : Shri Shankar Mannu Asret  
At P.K. Salve Marg,  
Mohan Nagar,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Civil Lines Division, NUC,  
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

3) Shri S.A. Harpale  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 19.03.2008)**

This grievance is filed on 01.03.2008 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-provision of a new electricity connection to him. The applicant has demanded compensation towards harassment caused to him.

Before approaching this Forum, the applicant had approached the Jr. Engineer, A.F.O. S/stn. Civil Lines Division, MSEDCL, Nagpur with a request to sanction a new electricity connection to him as per his application dated 20.11.2007. However, no remedy was provided in this regard and hence, the present grievance application.

The intimation given by the applicant to the concerned Jr. Engineer received by him on 24.12.2007 in respect of the applicant's grievance is deemed to be the intimation given to the Internal Grievance Redressal Cell in terms of the said Regulations and as such, the applicant was not required to approach the Cell before coming to this Forum.

The matter was heard on 17.03.2008.

The applicant's case was presented by his nominated representative one Shri Sunil Jacob while the Dy. E.E. Civil Lines Dn., MSEDCL, Nagpur represented the non-applicant Company.

The applicant's representative contended that the applicant had applied to the non-applicant on 20.11.2007 for sanctioning a new electricity connection for the premises occupied by him. This application was, however, registered on 24.12.2007 by the concerned Jr.

Engineer. Since no action was taken by the non-applicant, the applicant approached the concerned officer for inquiry as to why the connection was not being sanctioned. Upon inquiry, the applicant was orally told that there is an arrear amount outstanding against the premises in the name of one Shri Sanjay Mannu Asret and as such, the sanction of electricity connection was kept pending. The applicant was asked to pay a huge arrear amount which is unjust, improper and illegal. According to him, the applicant has no connection, whatsoever, with the payment liability of such an arrear amount since it was outstanding against consumer Shri Sanjay Mannu Asret for the premises occupied by him. He has also referred to the partition-deed executed by the applicant's father Shri Mannu Mangal Asret on 15.02.2000 by which the area of house no. 461/A belonging to the applicant's father was apportioned equitably among Shri Mannu Mangal Asret's four sons including the applicant. Accordingly, a portion admeasuring 130 Sq. Ft. of house no. 461/A came to the share of the applicant since February 2000. The applicant's three brothers also got their respective shares in the property and since then all the four brothers including the applicant had become the absolute owners of their respective shares in the property. The applicant's representative further submitted that the applicant occupied his portion of the house last year. Till then, the applicant was not residing in Nagpur town.

He strongly contended that the arrear amount of Rs.21,189.72 shown to be outstanding against his brother Shri Sanjay Asret is the liability of Shri Sanjay and that the applicant is not at all liable to pay the same.

According to him, the non-applicant cannot demand this arrear amount from the applicant on the ground that these un-paid charges are outstanding against the premises now occupied by the applicant. He clarified that the premises that has come to the applicant's share is distinct from the premises owned and occupied by Shri Sanjay Asret. Therefore, the applicant is not at all liable to pay the outstanding arrear amount. The non-applicant's action of non-sanction of a new electricity meter to the applicant is not only unjust, improper and illegal but it has also caused hardships to the applicant since 24.12.2007. The applicant's representative has produced on record Nagpur Municipal Corporation's Property Tax payment receipt dated 14.12.2007 which, according to the applicant's representative, proves that 1/4<sup>th</sup> portion of house no. 461/A is owned by the applicant since 01.04.2000. He requested that justice should be given to the applicant in terms of Supply Code Regulations of 2005 and further that compensation should also be provided to the applicant. He also prayed that the new electricity connection may be sanctioned to the applicant immediately and that action should be taken against the officers of non-applicant Company responsible for delaying sanction of a new electricity connection to the applicant.

The non-applicant has submitted his parawise report which is on record. The Dy. E.E. representing the non-applicant company has reiterated the text of this parawise report in hearing. He stated that the applicant has been residing in the premises in question along with his father and his two brothers Jai and Sanjay and electricity connection was sanctioned in the past in the name of Shri Sanjay Asret-the brother of the applicant. This connection was meant for the

entire house. This service connection came to be permanently disconnected in Nov. 2007 on account of non-payment of arrear amount of Rs.21,189.72. After permanent disconnection of this service connection, the applicant filed his application for a new electricity connection for the premises in question. However, this new connection could not be sanctioned because of the arrear amount in question outstanding against the premises. It is his contention that the applicant was informed orally earlier and also on 07.01.2008 in writing by the concerned Jr. Engineer. According to him, a request was made to him to make payment of the arrear amount of Rs.25,513/- and that unless this amount is paid, new connection cannot be sanctioned to the applicant. It is his submission that the applicant refused to take delivery of this letter. The service connection, being connection no. 4100385263, sanctioned in the name of Shri Sanjay Munnulal Asret in the past was being used for the entire premises of the house No. 461/A in question and as such, the applicant cannot avoid his responsibility of payment of the arrear amount.

He lastly prayed that the grievance application may be rejected.

In this case, what is to be decided is whether the applicant is liable to make payment of the arrear amount in question and if yes, the extent thereof.

The applicant's representative has contended that the applicant was away from Nagpur and he occupied the portion of house no. 461/A that came to his share as per partition-deed during last year i.e. year 2007. However, no proof, whatsoever, has been produced on record by him to substantiate this say. The text of the partition-deed

dated 15.02.2000 executed by the applicant's father clearly states that each one of the share holders of the property is free to take advantage for their respective premises separately from the authorities like Nagpur Municipal Corporation, MSEB, NIT and other Govt. & Non-Govt. organizations. It is also a matter of record that the service connection, being service connection no. 41001535263, was sanctioned in the past in the name of Shri Sanjay Munnalal Asret at address of Khalashi Line, Mohan Nagar, Nagpur A/10B. This seems to be one single connection for the entire house, being house no. 461/A. The CPL of consumer Shri Sanjay M. Asret who is the brother of the applicant reveals that the quantum of consumption ranged between 318 units to maximum of 1458 units during the period of January 2007 to October 2007 for the area of around 450 Sq.Ft. of house no. 461/A. The trend of per month consumption for this service connection for the past period from the year 2000 onwards also indicates similar trend of consumption. The average per month consumption during the year 2004 seems to be around 500 units per month. This in itself supports the non-applicant's contention that electricity supplied against this service connection was being used for the entire premises of house no. 461/A till it came to be permanently disconnected in November 2007. It is also interesting to note that this service connection was permanently disconnected in November 2007 and the applicant also applied for a new connection by his application dated 20.11.2007 which was received by the non-applicant on 24.12.2007. The property Tax payment receipt produced on record by the applicant also shows name of the applicant as occupier of house no. 461/A since 01.04.2000 till 31.03.2008. The text of the partition deed, the CPL of the consumer Shri S.M. Asret – the

brother of the applicant and the N.M.C. Tax payment receipt together goes to show that the applicant was also the beneficiary of the electricity service connection that was existing for the entire premises. Since the applicant has acquired ¼th share of the property from his father as an asset in his name, he must take on him the proportionate ¼th share of the liability of payment of un-paid electricity charges.

In other words, this Forum holds that the applicant is liable to pay ¼th portion of the total outstanding dues of Rs.25,513/- as per latest position.

In view of above, the applicant's contention that he cannot be held responsible for payment of any outstanding electricity dues is devoid of any merits.

We, therefore, hold that the applicant is liable to make payment of ¼th portion of the unpaid electricity charges before a new connection is sanctioned to him.

The non-applicant may proceed to sanction new electricity connection to the applicant after he makes the payment of electricity dues as aforesaid subject to the applicant fulfilling other requirements for a new connection as per the provisions of the Supply Code Regulations and the non-applicant Company's requirements such as testing report etc.

A point has been made about a letter dated 07.01.2000 addressed to Shri S.M. Asret by the Jr. Engineer asking him to make payment of the arrear amount of Rs.25,513/- giving a reference to an application dated 24.12.2007 for a new connection. In this respect, it is seen that it is the applicant Shri Shankar Mannu Asret who applied for a new connection on 24.12.2007 and not Shri Sanjay Mannu Asret. The

non-applicant during the course of hearing submitted a copy of this letter and said that the applicant refused to take delivery thereof and that there is also an endorsement to the effect of refusal to take delivery of this letter by the applicant. However, though such an endorsement is there on this letter there is no mention as to who refused to take delivery of this letter.

The applicant's representative during the course of arguments has also tried to make a point that it is the apathy of the non-applicant officers that is responsible for accumulation of such a huge arrear amount against the service connection in question. He, therefore, requested that appropriate action should be taken against the officers for not recovering the arrear amount in question diligently. In this respect, it is true that the non-applicant did not act diligently in the past for recovering the current bill amounts and also that negligence of the concerned officers of the non-applicant company resulted in the accumulation of arrear amount in question. However, the fact remains that the beneficiaries of the disconnected service connection were also responsible for making payment of the charges of electricity consumed by them over the past period.

The Chief Engineer, NUZ, MSEDCL, Nagpur may look into the aspect of negligence of the concerned officers of the non-applicant Company and take necessary action, as deemed fit, by him in this respect.

Since this Forum has held that the applicant was also liable to make payment of a portion of the unpaid electricity charges in question, there is no question of awarding any compensation to the applicant as requested by him. Moreover, when asked by us, the



applicant's representative admitted during the course of hearing that the applicant is already drawing power supply from elsewhere though there is no official connection available for his premises. His request for award of compensation thus stands rejected looking to the facts and circumstances of the case.

In the result, the grievance application is partly allowed and it stands disposed off in terms of this order.

This order is issued without prejudice to the non-applicant's right to recover the arrear amount in question by filing a suit in terms of Section 56 (1) of the Electricity Act, 2003.

The applicant and non-applicant shall carry out this order and report compliance to this Forum on or before 15.04.2008.

Sd/-  
(S.A. Harpale)  
Member-Secretary

Sd/-  
(Smt. Gauri Chandrayan)  
MEMBER

Sd/-  
(S.D. Jahagirdar)  
CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**