

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

Case No. CGRF(NUZ)/0103/2006

- Applicant : Shri Shekhar Dwarkanath Bhise
At-65, Udaynagar,
New Subhedar Nagar,
Nagpur.
- Non-Applicant : The Nodal Officer-
Assistant Engineer,
O&M Division- I,
Nagpur representing the MSEDCL.
- 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 M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal Forum, NUZ,
MSEDCL, Nagpur.

ORDER (Passed on 23.03.2006)

The present grievance application is filed on 23.02.2006 as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman)

Regulations, 2003

here-in-after referred-to-as the said

Regulations.

The grievance of the applicant is in respect of non-provision of electricity connection for the purpose of energisation of his agricultural pump proposed to be installed on a well in the land comprised in Khasra No. 418 of village Tarana, Taluka Kuhi, Dist. Nagpur purchased by him on 25.11.2004 by a registered sale-deed from the previous owner one Shri Bharat Warekar.

The facts of the case, in brief, are as under. :

The land comprised in Khasra No. 418 admeasuring 2.94 hectars at village Tarana Taluka Kuhi, Dist. Nagpur was owned by one Shri Bharat Shrawan Warekar. He had applied to the non-applicant on 03.03.1997 for release of electricity connection for the purpose of energisation of his agricultural pump which he proposed to install on a well in this land. Thereupon, as advised to him, he paid the requisite demand note amount of Rs. 1220/- to the non-applicant on 18.08.1997. He also submitted the requisite test report on 20.10.1997. His connection was not released by the non-applicant till 25.11.2004. His application for energisation of his agricultural pump was standing at Sr. No. 100 in the seniority list prepared for energisation of agricultural pumps of agriculturalists in Kuhi Sub-Division of MSEDCL. The owner Shri Bharat Warekar sold this land to the present applicant on 25.11.2004 by a registered sale-deed. Thereupon, the present applicant has become the owner of this land.

Since release of electricity connection for the agricultural pump proposed to be installed in the land in question was not forthcoming, the present applicant pursued the matter with the non-

applicant. However, no response was forth-coming from the non-applicant. Hence, the applicant approached the Internal Grievance Redressal Unit under the said Regulations for redressal of his grievance by filing his complaint application dated 12.01.2006. The Unit, upon hearing, informed the applicant by its letter, being letter no. 714 dated 27.01.2006, that the applicant did not file a new application in the prescribed form for the purpose of releasing electricity connection after land in question was purchased by him on 25.11.2004 and that he should now make a fresh application for this purpose to the non-applicant Company. The Unit also informed him that the concerned Officers will take action as per rules of the non-applicant Company after the applicant submits his application for release of the connection.

The applicant was not satisfied with the reply given to him by the Unit and hence, he filed the present grievance application for redressal of his grievance.

The matter was heard by us on 14.03.2006 & 20.03.2006.

Copies of the non-applicant's parawise report and written submissions submitted before this Forum as per the said Regulations were given to the applicant & he was given opportunity to offer his say thereon.

The applicant contended before us that the applicant is duty-bound to provide electricity connection to him as per Sr. No. 100 allotted to the previous owner of the land and the question of making a fresh application in the prescribed form to the non-applicant does not arise. He has purchased the land in question on 25.11.2004 from the

previous owner and as such he has become the successor-owner of the land in the foot steps of the previous owner.

He argued that the same Sr. No. 100 may be allotted to him and name of the previous owner be replaced by his name as a legal owner of the land at the same Sr. No. 100 in the seniority list maintained by the non-applicant for the purpose of energisation of agricultural pumps of agriculturalists in Kuhi S/Dn. He produced a copy of the sale-deed dated 25.11.2004 to prove his legal ownership.

He added that the previous owner Shri Warekar has given a consent letter dated 08.12.2005 executed by him on a stamp paper of denomination of Rs. 50/- to the effect that he has no objection if the present applicant who has become the owner of the land in question takes further action in the context of energisation of agricultural pump to be installed on the well in the land. A mention has also been made in this consent letter by the previous owner Shri Warekar that he has already paid the demand note amount of Rs. 1220/- vide receipt no. 0603797 for the purpose release of connection. It is his contention that it is not necessary for him to file a new application in the prescribed form A-1 to the non-applicant since his request is limited to the aspect of change of name at the same Sr. No. 100 in place of the previous owner Shri Warekar in the seniority list of prospective agricultural consumers prepared and maintained by the non-applicant.

The non-applicant has stated in the parawise report dated 07.03.2006 that the request of the applicant to insert his name at Sr. No. 100 in the afore-mentioned seniority list in place of the name of the erstwhile owner cannot be granted because the present applicant

purchased the land in question on 25.11.2004 from the previous owner Shri Warekar who had paid the demand note amount of Rs. 1220/- way back on 18.08.1997. This amount cannot be construed to be transferred to the present applicant since there is no such provision available in respect of such prospective consumers.

It is the submission of the non-applicant that there are other prospective agricultural consumers who are standing in queue below the said Sr. No. 100 and whose connections have not yet been released for want of requisite materials. According to the non-applicant, change of name is permissible only in respect of an existing electricity connection of a consumer. Since the agricultural pump was not energized on 25.11.2004 when the present applicant purchased the land, question of change of name does arise at all. To substantiate this say, the non-applicant relied upon provision contained Regulation 10 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred-to-as the Supply Code Regulations.

The non-applicant has also relied upon Departmental Circulars issued by the erstwhile MSEB (now MSEDCL) viz. Circular dated 26.01.1964 on the subject of execution of the agreements with the consumers, general circular no. 61 dated 15.03.1983 on the subject of chronological list of paid pending cases for agricultural pumps and also general circular No. 45 dated 05.04.1982 on the subject of verification the bonafides of occupancies before releasing new service connections.

It is also the contention of the non-applicant that no agreement was executed by the previous owner Shri Warekar which is a pre-requisite for obtaining a new connection. In view of this position,

the present applicant cannot be allowed to simply come in the footsteps of the previous owner. He has to file an application afresh for release of a new electricity connection.

It has also been contended before us by the non-applicant that the previous applicant Shri Warekar is no longer the owner of land in question and that the present applicant who is now the owner of land is not the applicant for the reason that he has so far not filed any new application for release of electricity connection after he purchased the land in question from the previous owner on 25.11.2004.

He added that the demand note amount deposited by the previous owner cannot be transferred in the name of the present applicant. This amount will be refunded to the previous owner as per rules.

Elaborating on the cost estimate of energisation of an agricultural pump, the contention of non-applicant is that expenses of Rs. 50,000/- at the rate of Rs. 10,000/- per service pole will have to be incurred in the present case while the previous owner has paid only Rs. 1220/-. The residual amount of Rs. 50,000 – 1200 = 47,800/- will be obtained in the form of loan from the Rural Electrification Corporation as per rules. However, the procedure of obtaining loan from the REC is quite time-consuming.

The non-applicant also submitted that if the present applicant makes a fresh application for release of electricity connection and pays amount of Rs. 50,000/- as stated above, steps will be taken to energize the applicant's agricultural pump in terms of the new Krishi

Vikas scheme of the non-applicant Company subject to the applicant completing other formalities like submission of test report etc.

He lastly submitted that the applicant's request for release of electricity connection out of turn may not be considered.

We have carefully gone through the record of the case, all documents produced on record by both the parties as also all submissions, written and oral, made before us by both of them.

In the present case the applicant wants that his name may be inserted at the same Sr. No. 100 in the seniority list of prospective agricultural consumers in place of the previous owner Shri Warekar. This amounts to a request for change of name. It will, therefore, have to be seen whether such a change of name for a prospective consumer is permissible.

As laid down in Regulations 10.1 of the Supply Code Regulations, a connection may be transferred in the name of another person upon death of the consumer or, in case of transfer of ownership or occupancy of the premises, upon application for change of name by the new owner or occupier.

If the full text of Regulation 10 of the Supply Code Regulations under caption of "Change of name" is examined minutely, it is revealed that change of name pre-supposes existence of an actual electricity connection. In the present case, no connection is as yet released. The previous owner Shri Warekar was a prospective agricultural consumer enlisted at Sr. No. 100 in the seniority list maintained by the non-applicant for the prospective agricultural consumers. As rightly stated by the non-applicant, there are several other prospective agricultural consumers below Sr. No. 100

in this seniority list who are waiting for release of electricity connections to their agricultural pumps. It will be an injustice on all such prospective agricultural consumers if the applicant's name is inserted at the same sr. no. 100 in place of the previous owner Shri Warekar who is no longer the owner of the land.

Since the applicant has purchased the land in question on 25.11.2004, he is required to file a fresh application to the non-applicant for the purpose of energisation of agricultural pump in the land in question.

Evidently the present applicant cannot be allowed to have electricity connection out of turn.

It is also pertinent to note that Regulation 4.4 of the Supply Code Regulations also lays down that the Distribution Licensee shall release the connections in each tariff category, as far as practicable, on a "first come, first served" basis.

It was the previous owner Shri Warekar who had first come and he would have been first served as per his turn had he not sold the land in question to the present applicant. Since the previous owner Shri Warekar is now no longer the owner of the land, his name will have to be deleted from the seniority list and the prospective agricultural consumer standing at Sr. No. 101 in this list will take position next to him. The present applicant can not be allowed to register his name at the same Sr. No. 100 since this, if allowed, will amount to miscarriage of justice upon the other prospective agricultural consumers who are waiting since long past for their turn to come.

The non-applicant, during the course of hearing, had raised a point about non-execution of agreement by the previous owner Shri

Warekar. In this connection, it is clarified that no agreement is required for sanction of load of less than 67 HP and the application submitted and accepted shall constitute the agreement as clearly laid down in Regulation 6.1 of the Supply Code Regulations. In the present case, the proposed sanctioned load undisputedly is much less than 67 HP. The point of non-execution of agreement raised by the non-applicant is, therefore, of no consequence.

The present applicant has to apply afresh to the non-applicant for the purpose of energisation of agricultural pump in his land as per the procedure of the non-applicant Company.

A point was raised by the applicant during the course of hearing that only 5 poles are required for enabling the non-applicant to provide supply of electricity to the agricultural pump in the land and that the non-applicant's claim that 10 poles are required is not correct. On this, the reply of the non-applicant was that the previous report dated 13.08.1997 mentioning that 5 poles are required was not correct and that it has been verified upon inspection that 10 electricity poles are required to be erected for extension of the L.T. service line upto the field of the applicant. We do not wish to make any comments on this point because this point will arise only after the present applicant makes an application in the prescribed form A-1 to the non-applicant for provision of electricity connection. The procedure laid down in Regulation 5 of the Supply Code Regulations under the heading of "Processing of application" will ensue after submission of the new application and fresh inspection of the site etc will have to be carried out by the non-applicant in the presence of the applicant.

In the result, the present grievance application stands rejected.

Sd/-
(M.S. Shrisat)
Member-Secretary

Sd/-
(Smt. Gouri Chandrayan)
Member

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

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

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR**