

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

Case No. CGRF(NUZ)/017/2007

Applicant : Shri Pradip Murlidharao Manchalwar
At Ganjakheth Chowk,
Near Shams School, Hansapuri Road,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Gandhibag Division, NUZ,
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.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 10.04.2007)

The present grievance application is filed on
16.03.2007 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-sanction and non-release of a new electricity connection to the premises occupied by him.

Before approaching this Forum, the applicant had filed a similar grievance vide his application dated 27.07.2006 addressed to the Superintending Engineer, NUC MSEDCL, Nagpur with a copy to Assistant Engineer, Itwari Sub-Division MSEDCL Nagpur. In reply, the Assistant Engineer informed him, vide his letter no. 1559 dated 01.11.2006, that new service connection can be sanctioned to the applicant only after the permanent disconnection arrear amount outstanding against the premises in the name of previous occupier one Shri Subhash Murlidhar Manchalwar is cleared by him. The P.D. arrear amount in question is amounting to Rs. 10,898/- against the previous aforesaid occupier whose service connection no. was 410010879683/3. Being not satisfied with the reply given to him, the applicant filed this grievance application under the said Regulations.

The matter was heard on 03.04.2007.

The applicant's main contention is that he is not at all responsible for accumulating the un-paid arrear amount of Rs.10,898/-. According to him, the previous occupier Shri Subhash Murlidhar Manchalwar-his brother was staying in the premises presently occupied by him and because of non-payment of the energy charges by him, his service connection taken as an independent sub-meter came to be permanently disconnected. The P.D. was made effective in the

year 1997. Thereafter, the non-applicant did not pay make any efforts to recover the arrear amount from the erstwhile occupier Shri Subhash M. Manchalwar. No notice of any kind or legal action was taken against this previous occupier for years together. Instead, when the applicant applied for sanction of a new connection on 27.06.2006, he was asked to pay the arrear amount in question and the non-applicant refused to sanction new connection on this ground.

He strongly contended that the ground raised for not sanctioning new connection to the applicant is absolutely improper and illegal. He submitted that the new sub-meter connection asked for by him from the main meter in the premises may be ordered to be released at the earliest.

The non-applicant, on his part, has submitted that the applicant did make an application for sanction of a new connection on 27.06.2006. However, there is an arrear amount of Rs.10,098/- outstanding against the premises and as such, his case was not sanctioned. He has further stated that as per rules unless the arrear amount outstanding against any premises is fully recovered, no new connection for such premises can be granted. He has also stated that the previous occupier and the present applicant are real-brothers. The non-applicant is prepared to release new connection immediately after the applicant pays the outstanding amount in question. The arrear amount in question pertains to P.D. arrear amount accumulated and un-paid by the previous occupier whose service connection came to be permanently disconnected in November, 1997.

He has further stated that the previous occupier Shri Subhash Manchalwar who was really responsible for non-payment of arrear amount in question has taken a new connection in Mahal Division of MSEDCL, Nagpur and the Executive Engineer has been requested to recover this arrear amount from the aforesaid defaulter against his present live connection being enjoyed by him.

In the present case, it is not disputed that the arrear amount in question was outstanding against the erstwhile occupier of the premises Shri Subhash M. Manchalwar against service connection no. 410010879683/3. The erstwhile occupier has taken power supply from the main meter vide service connection no. 410012805369 standing in the name of one Shri Murlidhar Shrawanji Manchalwar. The power supply was taken by him through a sub-meter installed in the premises. There is also no dispute that the erstwhile occupier Shri Subhash Manchalwar is in fact responsible for not paying the arrear amount in question.

Section 56 (1) of the Electricity Act, 2003 lays down that where any person neglects to pay any charge for electricity, the licensee may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose, cut or disconnect any electric supply line or other works being the property of such licensee etc. and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply are paid.

In the instant case, the person who has neglected to pay the arrear amount in question is not the present applicant. Hence, he can not be held responsible for payment of these dues.

It is also pertinent to note that the erstwhile occupier Shri Subhash Manchalwar who was, indeed, responsible for payment of these dues is already sanctioned a new live connection in Mahal Division, MSEDCL, Nagpur. Hence, the non-applicant, as a rule, should recover the arrear amount in question from the erstwhile defaulter in terms of Section 56 (1) of the Electricity Act, 2003. The present applicant can in no way be held responsible for payment of these dues.

A submission has been made by the non-applicant in his parawise report dated 30.03.2007 that as per rules, any charge for electricity due to the Distribution Licensee which remains unpaid by the erstwhile occupier / owner of any premises is a charge on the premises transferred to the new occupier / Owner of the premises and the same is recoverable by the Licensee as due from such occupier/ owner of the premises. However, the non-applicant has not pinpointed exact rule or regulation. It seems that, probably, he might be referring to Regulation 10.5 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 here-in-after referred-to-as the Supply Code Regulations. However, this Regulation 10.5 is applicable in the context of change of name. The broad caption of Regulation 10.5 with reference to transfer of connection is change of name. Such a change of name

presupposes existence of a service connection. In the instant case, change of name is not sought for. What is prayed for is sanction of a new connection to which Regulations 4,5 and 6 of the Supply Code Regulations are applicable. Matter of a new connection is a matter very distinct from the matter of change of name. Hence, according to us, Regulation 10.5 of the Supply Code Regulations will not be applicable to the instant case.

In the result, we are inclined to hold and do hold accordingly that the non-applicant has to sanction a new service connection to the applicant without insisting on him to pay the unpaid amount in question subject to his fulfilling other required formalities. The new connection sought for by the applicant shall be sanctioned by the non-applicant on or before 10.05.2007.

The non-applicant is free to recover the arrear amount in question in terms of Section 56 (1) of the Electricity Act, 2003.

The present grievance application is thus allowed and it stands disposed of accordingly.

The non-applicant shall report compliance of this order to this Forum on or before 15.05.2007.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

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