

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

Case No. CGRF(NUZ)/028/2005

Applicant : Shri Syed Baquar Hussain,
Timki Tin Khamba,
Mominpura,
NAGPUR.

Non-Applicant : The Executive Engineer,
Gandhibag Division, (NUZ),
MSDC Ltd., NAGPUR.

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

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

ORDER (Passed on 07.07.2005)

The present grievance application is filed before this Forum on 13.06.2005 in the prescribed schedule "A" as per Regulation No. 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 regarding non-release of new electricity connection for his rented premises.

The matter was heard by us 05.07.2005 when both the parties were present. They were heard by us. Documents produced by both of them are also perused by us.

After receipt of the grievance application in question, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. The non-applicant, accordingly, submitted his parawise remarks dated 28.06.2005 to this Forum on 05.07.2005. A copy of this parawise report was given to the applicant on 05.07.2005 before the case was taken up for hearing and opportunity was given to him to present his say on this parawise report also.

The applicant has contended that he had applied to the Junior Engineer, New Meyo Sub-Station, MSEB, Nagpur on 29.06.2004 for the purpose of releasing new electricity connection for his rented premises owned by one Shri Mohmad Khan Dawud Khan. However, the Junior Engineer, New Meyo Sub-Station MSEB, Nagpur replied to the applicant by his letter, being letter number 561 dated 26.02.2005, communicating therein that the applicant's application for getting new electricity connection cannot be considered since the premises where he is seeking new electricity connection is in arrears of electricity bills. The

Junior Engineer further informed the applicant that arrears of Rs. 68,942/- and Rs. 3,84,085/- including interest are outstanding against the premises respectively against consumer numbers 410010885004 and 410012852707.

Being aggrieved by this decision of the Junior Engineer, the applicant approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the office of the Chief Engineer, (NUZ), MSEB, Nagpur by filing his grievance application in the prescribed schedule "X" on 09.03.2005. No remedy whatsoever was provided to the applicant within the period of two months as prescribed by the said Regulations and hence the applicant approached this Forum for redressed of his grievance.

The applicant has produced copies of the following documents in support of his contentions.

- 1) His application dated 09.03.2005 addressed to the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm), NUZ, MSEB, Nagpur.
- 2) A copy of letter number 141 dated 14.03.2005 sent to him by the Superintending Engineer, Nagpur Urban Circle, Nagpur communicating to him that new service connection can not be given till payment of the arrears of electricity bills outstanding against the said premises.

- 3) A copy of the applicant's application dated 30.12.2004 regarding release of new electricity connection.
- 4) A copy of the receipt dated 22.10.2003 pertaining to the Property Tax Payment of house number 223 issued by the Nagpur Municipal Corporation, Nagpur.
- 5) A copy of Lease deed dated 23.11.2000 executed between the owner of the premises in question and the applicant.
- 6) No Objection Certificate dated 15.07.2004 issued by the owner of the premises in respect of release of new electricity connection in favour of the applicant.
- 7) A copy of the applicant's affidavit dated 15.07.2004.
- 8) A copy of Registration Certificate of Establishment, being Certificate number 254055, issued under the Bombay Shops and Establishments Act, 1948.
- 9) A copy of electricity bill dated 29.02.2004 for Rs.6220/- pertaining to consumer number 410012957762.
- 10) A copy of the electricity bill dated 30.09.2004 for Rs.21,810/- pertaining to the consumer number 410010884954.

The applicant, during the course of hearing, made a submission before us that arrears of electricity bills are outstanding against the consumer number 140010884954 residing in the same premises since long past and still the electricity supply to this consumer namely Mohmad Khan Noor Khan is continued unhindered. He added that another consumer whose consumer number is 410012852707 residing

in the same premises is in arrears of electricity bill since 1994 and still this consumer is enjoying the electricity supply without any objection from the non-applicant. He has also quoted two more similar cases of consumers namely Shri Abdul Rashid Shri Kalyani. He vehemently argued that there are three electricity meters in the same premises in which he has taken on lease a part of it for business on rent in respect of which there are huge arrears of electricity bills still outstanding and the MSEB has continued electricity supply to these meters unhesitatingly. According to him, different yardsticks are followed by the non-applicant for different consumers residing in the same premises and that a policy of discrimination is followed by the non-applicant which is unjust and improper.

The applicant further stated that he is not prepared to make the payment of the arrear amount.

He lastly prayed that his grievance may be redressed quickly and that the non-applicant be directed to release electricity connection to his rented shop.

The non-applicant has stated in his parawise report dated 28.06.2005 that there are two electricity connections in the premises of house number 223 belonging to the consumer one Shri Mohmad Khan Noor Khan and another Shri Mohmad Khan Dawud Khan whose consumer numbers are 41001088504 and 410012852707 against whom arrear of electricity bills of Rs. 68,242/- and Rs. 3,84,085/-

were outstanding respectively and these two electricity connections have since been disconnected permanently. Similarly other two electricity connections in the same premises of consumers Shri Mohmad Khan Dawud Khan consumer number 410010884954 and Shri Lekhraj Jenyati consumer number 41010902081 have also been disconnected on 22.06.2005 because of the outstanding arrears of electricity bills against them. According to non-applicant, all these disconnected consumers were in the same premises where the applicant is seeking new electricity connection for his rented shop.

The non-applicant lastly stated that new electricity connection sought for by the applicant cannot be released in view of huge arrears outstanding against the premises in question.

We have carefully gone through the record of the case including the relevant extracts of the Consumer's Personal Ledger, all documents produced by both the parties and all the submissions made by both of them before us.

In the instant case, the non-applicant has not considered the request of the applicant on the ground that the premises i.e. house number 223 where the applicant has taken on lease a part of it on rent from the owner are in huge arrears of electricity bills. The non-applicant has further clarified that electricity connections in the same premises are

already disconnected by him because of the huge arrears outstanding against the premises. This statement of the non-applicant is found to be correct by us. The parawise report furnished by the non-applicant is also found to be true and correct. The applicant's contention in this respect is that there were arrears of electricity bills outstanding against certain consumers residing in the same premises and still the non-applicant had continued the electricity supply to their meters. He has further stated that, against this position, he was wrongly denied new electricity connection. In other words, he wants to make a point that a policy of discrimination is followed by the non-applicant when he approached the non-applicant for the purpose of releasing new electricity connection for his rented shop in the same premises. However, the parawise report submitted by the non-applicant makes it clear that all the electricity connections have now been disconnected in these premises.

Any charge for electricity due to a Distribution Licensee which remains unpaid by the erstwhile owner / occupier of any premises is a charge on the premises transmitted or transferred to the new owner / occupier of the premises and the same is recoverable by the Distribution Licensee as due from the new owner / occupier of the premises. The Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 makes this position amply clear in Regulation number 10.5 thereof. It, therefore, follows that

the premises where the applicant wants a new connection for his rented shop as an occupier thereof is in huge arrears of electricity bills and that the liability of payment thereof devolves upon the applicant. The non-applicant has, therefore, rightly rejected the request of the applicant.

In these circumstances, we are unable to grant the applicant's request in the absence of payment of the arrears in question outstanding against the said premises.

In the light of above, the applicant's grievance application is rejected.

(Smt. Gouri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

M.S.D.C. Ltd's CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR URBAN ZONE, NAGPUR