

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

---

**Case No. CGRF(NUZ)/022/2007**

- Applicant : Shri Sandeep Damu Ade,  
At B-3, Vishal building  
Ajni Chowk, Wardha Road,  
NAGPUR.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Congressnagar 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 19.05.2007)**

The present grievance application has been filed  
on 24.04.2007 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-release of new electricity connection for his commercial premises.

Before approaching this Forum, the applicant had approached the Internal Grievance Redressal Cell (in short the Cell) by filing his complaint dated 12.03.2007 on the same subject-matter under the said Regulations. The Cell, upon hearing and inquiry, replied the applicant by its letter, being letter no. 2594 dated 20.04.2007, that the applicant has sought new electricity connection for his commercial shop and this shop is a part and parcel of the building known as NKY Towers and further that an arrear amount of Rs. 97,055/- is outstanding against the erstwhile common meter sanctioned for this building. The Cell further informed the applicant that it is not possible to sanction the new connection to the applicant unless amount in question outstanding against the building namely NKY Towers is paid by the applicant. The applicant is aggrieved by this decision of the Cell and hence, the present grievance application.

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

The applicant applied to the non-applicant for releasing a new electricity connection on 07.02.2007 for his commercial shop no. G-6 at NKY Towers, Ajni Chowk, Nagpur. This building consists of several commercial shops. The said shop no. G-6 was previously owned by one Shri Maroti Nathuji Pawar. The applicant has purchased this shop from Shri Pawar. There was a common meter sanctioned for the entire

building (i.e. NKY Towers) which came to be permanently disconnected in November, 2000 on account of non-payment of arrear amount of Rs.97,055/- outstanding against the common meter provided for the entire building. Shri Pawar, erstwhile owner of the shop No. G-6, obtained electricity connection for this shop which was also permanently disconnected in May, 2001 on account of non-payment of energy charges. In response to the applicant's application for sanction of a new electricity connection, the applicant was told by the non-applicant that unless and until the arrear amount outstanding against the erstwhile permanently disconnected common meter of the building NKY Towers (vide consumer no. 4100154113104) amounting to Rs.97,055/- is paid by the applicant, the new electricity connection can not be sanctioned. The applicant, thereupon, approached the Cell by filing his complaint dated 12.03.2007 under the said Regulations. The Cell rejected the applicant's request and hence, the present grievance application.

The matter was heard on 18.05.2007.

It is the contention of the applicant that he purchased the shop from one Shri Pawar in February 2007 and approached the non-applicant for releasing a new electricity connection since the erstwhile connection in this shop was permanently disconnected earlier.

He vehemently argued that he cannot held liable for payment of the arrear amount of Rs. 97,055/- outstanding against NKY Towers. The non-applicant ought to have recovered this arrear amount from the concerned builder of NKY Towers in the past. It was the erstwhile builder who had

neglected to pay the arrear amount in question and as such, by no stretch of imagination, he can be held responsible for payment of these dues. He pointed out during the course of hearing that although the arrear amount is still outstanding against the erstwhile common meter of NKY Towers, the non-applicant did release a new connection to one Shri R.T. Deshmukh for commercial shop No. 51 in the same building. According to him, the non-applicant's action of demanding the arrear amount in question from him is not only unjust, improper and illegal but it is also discriminatory in nature.

He further stated that a no dues certificate was produced before the non-applicant in respect of the erstwhile shop owner Shri M. Pawar. According to him, the arrear amount of Rs.97,055/- cannot be recovered from the applicant.

He lastly prayed that the new electricity connection sought for by him may be released forth-with.

The non-applicant has filed his parawise report on 14.05.2007. He has stated in this report that the applicant's request for releasing new electricity connection was not considered because an arrear amount of Rs.97,055/- is outstanding against consumer no. 410015413105 standing in the name of Secretary, NKY Towers. This connection was permanently disconnected way back in the year November, 2000. This was a common meter which was being used and utilized by the occupiers of the builder including the predecessor-in title of the present applicant. The commercial shop no. G-6 now owned by the applicant is a part and parcel of this building and as such new electricity connection cannot be sanctioned to the present applicant unless he pays the

arrear amount in question. The applicant is trying to avoid the legal liability with malafide intention and hence, the applicant's application deserves to be rejected. He also pointed out that the applicant has not become the consumer of the non-applicant Company and as such, he cannot approach this Forum for redressal of his grievance.

In the present case, the applicant has applied for a new electricity connection for his shop no G-6 which is purchased by him from the erstwhile owner one Shri Pawar in February, 2007. The applicant is, thus, the owner of the shop. The ground taken by the non-applicant is that an arrear amount of Rs.97,055/- is outstanding the building NKY Towers of which the applicant's commercial shop no. G-6 is a part and parcel and that the new connection cannot be sanctioned unless the arrear amount is paid.

Section 56 (1) of the Electricity Act, 2003 clearly lays down that where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee in respect of supply of electricity to him, 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 through which electricity may have been supplied 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.

It thus clear that in the present case, it is the Secretary of NKY Towers who has neglected to pay the arrear amount of energy charges and not the present applicant. The applicant, thus, cannot be held liable to pay the arrear amount in question in terms of Section 56 (1).

The non-applicant's action of demanding the arrear amount in question from the applicant is thus illegal. The non-applicant is free to recover the arrear amount in question from Secretary NKY Towers by taking recourse to Civil remedy by filing a suit. Consequently, the non-applicant's action of non-release of electricity connection on the ground of non-payment of the arrear amount in question outstanding against erstwhile permanently disconnected common meter of NKY Towers is totally improper and illegal.

A submission was made by the non-applicant that the arrear amount in question is outstanding against the building of which the applicant's shop is a part and parcel and as such the arrear amount can be transmitted for recovery purpose to the applicant who is the new owner of the shop. However, this submission does not find any legal support. The non-applicant is perhaps referring to Regulation 10.5 of the Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 in which there is a provision in Regulation 10.5 of transmission of arrear amount to the legal representative, successor-in-law / new owner / new occupier of the premises against which such a charge is outstanding. However, Regulation 10 of the Supply Code Regulations is meant for change of name and transfer of connection. This necessarily presupposes existence of a connection. Hence, the

Regulation 10.5 of the Supply Code Regulations cannot be made applicable to the instant case. The present case is distinctly a case of new connection which is to be differentiated from the case of change of name in the context of transfer of connection. The plea taken by the non-applicant is thus devoid of any merit and legality.

Another point is raised by the non-applicant that the present applicant cannot be treated as a consumer and he has no locus-standi to approach this forum. However, this stand is not correct and legal. The scheme of Supply Code Regulations permits applicants to approach the Consumer Grievance Redressal Forum in the event of non-sanction of new connections. The point raised by the non-applicant, thus, cannot be accepted.

It is pertinent to mention that the non-applicant has not offered any comment upon the applicant's specific contention about sanctioning of a new connection to one Shri Deshmukh, owner of shop No. 51, in the same building without insisting on him payment of the arrear amount outstanding against the erstwhile permanently disconnected common meter that was provided in the past. This really amounts to discrimination.

In the result, we are inclined to hold and do hold accordingly that the non-applicant should sanction and release new electricity connection to the applicant without insisting payment of the arrear amount in question upon the applicant subject to the applicant full-filling other formalities as per Company's rules. This should be done by the non-applicant on or before 31.05.2007 without fail.

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

The non-applicant shall report compliance of this order to this Forum on or before 05.06.2007

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.**

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