

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

Case No. CGRF(NUZ)/039/2005

- Applicant : Smt. Vimla Lalanprasad Sahu
At. Pandharabodi,
Patil Kirana Stores,
Jai-nagar,
Nagpur.
- Non-Applicant : The Nodal Officer,
Executive Engineer,
Congress Nagar Division,
Nagpur representing the MSEDCL.
- 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.
- 3) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal
Forum, NUZ, MSEDCL, Nagpur.

ORDER (Passed on 16.08.2005)

The present grievance application is filed before this Forum on 08.07.2005 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 in respect of non-intimation about arrear of electricity bill recoverable at the time of sanctioning her new electricity connection. The applicant's grievance is also in respect of non-supply of electricity to her house.

The matter was heard by us on 16.08.2005 when both the parties were present. Both of them are heard by us and documents produced by both of them are also perused by us.

The applicant had earlier approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the Office of the Chief Engineer, NUZ, MSEDCL, Nagpur by the filing her complaint application on 06.05.2005 which was duly received by this Unit on 06.05.2005. This complaint was made by the applicant to this Unit as per Regulation number 6.7 and 6.8 of the said Regulations. However, no remedy was provided by this Unit to the applicant within the prescribed period of two months and hence the applicant approached this Forum for redressal of her grievance.

After receipt of the grievance application, the non-applicant was asked to furnish before this Forum his parawise remarks on the applicant's application in terms of the said Regulations. Accordingly, the non-applicant submitted his parawise remarks dated 16.08.2005 before this Forum on 16.08.2005. A copy thereof was given to the applicant before the case was taken up for hearing and she was given opportunity to offer her say on this parawise report also.

It is the contention of the applicant that she applied to the non-applicant for release of new electricity connection in her house and there-upon the non-applicant issued the demand note dated 01.08.2003 for Rs.5001/-. On receipt of this demand note the applicant paid the demand note amount on 12.07.2004. Despite this position she has not received the electricity connection although a period of more than one year has elapsed since the date of payment of the demand note amount by her. The applicant approached the non-applicant's office to enquire as to why the electricity connection sought by her has not been released. There-upon, she was told that there is an arrear amount of Rs. 13,414.08/- outstanding against the house for the previous period and further that the new connection cannot be released unless this arrear amount is paid by her. The applicant's contention is that she is not responsible for non-payment of this arrear amount. According to her, this amount should have been recovered by the non-applicant from the erstwhile owner of the house. According to her, since a demand note is already issued by the non-applicant and also because the applicant has already paid the demand note amount in the year 2004, the non-applicant is now duty-bound to release electricity connection to her house. She added that the new connection of electricity can not be withheld on the ground that the erstwhile owner of the house did not pay the arrear amount of Rs.13,414.08/- and that she is not responsible for this lapse on the part of the previous owner.

The non-applicant has stated in his parawise report that the applicant did apply for a new service connection in the office of the Sub-Engineer, Shankarnagar

S/Dn., MSEB, Nagpur. Her application was sanctioned and a demand note for Rs.5001/- was issued on 01.08.2003. The applicant paid the demand note amount on 12.07.2004 although the validity period of thirty days of this demand note had expired. Subsequently, it came to the notice of the Sub-Engineer that the premises where the applicant is seeking connection is having outstanding arrears of electricity charges to the tune of Rs.13,414/- in the name of one Shri Bhojraj S. Deshbhratar the previous owner and hence he was permanently disconnected in the month of April,2001. This fact was immediately brought to the notice of the applicant by the Sub-Engineer vide his letter number 846 dated 08.12.2004. The applicant was also given option to clear the arrear amount in installments and the letter in respect of first installment of Rs. 3000/- was also served upon her. However, the applicant denied the payment and also denied the facility of payment of arrear in installments. According to the non-applicant, the connection can still be released if she clears the old outstanding liability.

We have carefully gone through the record of the case and all the submissions made before us by both the parties.

The non-applicant, on his part, has shown his preparedness to release the connection sought for by the applicant. The only hitch in this case is about the non-clearance of the arrear amount outstanding against the premises. The contention of the applicant is that she is not responsible for non-payment of the arrear amount and that the non-applicant should have recovered this arrear amount from the erstwhile owner of the house. She has also submitted that

the non-applicant has already issued a demand note. She has also paid the demand note amount on 12.07.2004. According to her, the non-applicant is duty-bound to release the electricity connection since she had already paid the demand note amount. The stand of the non-applicant is that the electricity connection sought for by the applicant can not be released unless the outstanding arrear amount of electricity bills is cleared by the applicant.

In the instant case, provision contained in Regulation number 10.5 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Condition of Supply) Regulations, 2005 here-in-after referred-to-as the Supply Code Regulations is attracted. As laid down in this Regulation, any charges for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner/ occupier of any premises as the case may be, shall be a charge on the premises transmitted to the legal representatives/ successors-in-law or transferred to new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner/ occupier of the premises.

It is, therefore, crystal clear that the arrear amount outstanding against the premises in question will have to be paid by the applicant. The applicant is not entitled to get the new connection unless and until the arrear amount in question is paid by the applicant. No doubt, the non-applicant ought not to have issued the demand note to the

applicant unless and until the applicant cleared the outstanding dues. When questioned by us as to how the demand note came to be issued without verifying the aspect of non-clearance of the arrear amount outstanding against the premises, the non-applicant admitted that a mistake has been committed in this regard.

We hold that the applicant can not claim the electricity connection only on the ground that she had already paid the demand note amount. What is required to be seen in such cases is that there are no arrears of electricity charges outstanding against the premises before the applicant's house is connected to the live net-work of the Distribution Licensee. Though late, the non-applicant has safe-guarded rightfully the interest of the Distribution Licensee in as much as the new connection has not been released because of the non-clearance of the arrear amount outstanding against the said premises.

In view of above, we can not accept the contentions raised by the applicant.

In the light of above, we hold that the electricity connection to the applicant's house can not be released by the non-applicant till the applicant clears all the dues outstanding against the house.

The non-applicant, during the course of hearing, put forth a proposal that he is prepared to waive the interest amount of 886=21/- levied upon the applicant and that the applicant will have to pay the arrear amount of Rs.12,527=87/- It is now for the applicant to decide whether she accepts this

proposal or not. The non-applicant has also shown willingness to give installments to the applicant for clearing the outstanding arrear amount. However, the applicant seems to be reluctant to pay the amount in installments also.

In view of above discussion, we pass the following order.

The grievance application of the applicant stands rejected. We further order that if the applicant clears the entire outstanding arrear amount as proposed by the non-applicant, the non-applicant shall be free to release the electricity connection.

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**