

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

Case No. CGRF(NUZ)/041/2005

- Applicant : Mrs. Sunita Sakharkar
T-9, Laxminagar (West),
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 18.08.2005)

The present grievance application is filed before this Forum on 14.07.2005 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-release of new electricity connection to her house.

The matter was heard by us on 18.08.2005 when both the parties were present. Both of them are heard by us. Documents produced by both of them are also perused and examined 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 20.05.2005. This Unit replied to the applicant by its letter No. SE/NUC/T/IGRU/1353 dated 23.06.2005 stating therein that there are arrears of electricity bills outstanding against the premises where the applicant wants a new electricity connection and further that her request for releasing electricity connection can be granted only after receipt of PD arrears to the tune of Rs. 20,301.97. Being aggrieved by this decision of the Internal Grievance Redressal Unit, the applicant has filed the present grievance application.

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 on 18.08.2005. A copy thereof was given to the applicant on 18.08.2005 before the case was taken up for hearing and she was given opportunity to offer her say on this parawise report also.

The contention of the applicant is that she had applied to MSEB for a new service connection in November,2003 for the newly constructed first floor of the house situated at Plot No. T-9, Laxminagar (West), Nagpur. This house had two service connections in the past. One of them was surrendered by the consumer Shri M.D. Sakharkar in the year 1992. Shri M.D. Sakharkar expired in 1993.

In response to the applicant's application for new connection, the MSEB's Jr. Engineer at VNIT S/stn. issued a demand note for Rs.8201/- on 02.01.2004 after carrying out the site inspection of the premises. When the applicant approached the Jr. Engineer for enquiry as to where the demand note amount is to be paid, she was informed that arrears of electricity charges to the tune of Rs. 20,998.86/- were outstanding against the premises. She was further told that unless the outstanding arrear amount is cleared, the new service connection will not be released. The service connection of the consumer late Shri M.D. Sakharkar (consumer number 410010049982) was permanently disconnected on his request in the year 1982. The applicant added that a final bill dated 31.01.1993 for Rs. 20,301.97 was received in the name of Shri M.D. Sakharkar alongwith non-applicant's letter dated 26.05.2000 after lapse of a period of eight years after permanent disconnection. As the connection was permanently disconnected eight years earlier and as Shri M.S. Sakharkar had already expired, no action was taken on this letter by one Shri Vasant Sakharkar who is the son of late Shri M.D. Sakharkar. She vehemently contended that non-release of new service connection to her on the pretext of arrears of electricity charges outstanding against the

premises is illegal, improper and unjust. She further contended that the claim of the non-applicant seeking recovery of arrears after a period of eight years is also time-barred.

Lastly, she requested that the non-applicant be directed to release the new service connection to the applicant without any pre-conditions. She has produced copies of the following documents in support of her contentions.

- 1) Firm quotation (Demand Note) dated 02.01.2004 for Rs.8201/- issued by the Jr. Engineer VNIT S/stn. MSEB, Nagpur.
- 2) Notice dated 31.12.2003 addressed to shri M.D. Sakharkar by the Assistant Engineer, Shankarnagar S/stn. MSEB, Nagpur asking for remittance of arrear amount.
- 3) The MSEB arrear bill for Rs. 20,301.98.
- 4) Letter number 2318 dated 26.05.2000 addressed to Shri M.D. Sakharkar by the Executive Engineer, Congressnagar Division, NUZ, MSEB, Nagpur asking for payment of the balance amount of Rs. 20,301.97 alongwith the final bill dated 31.01.1993 for Rs. 20,301.97.

The non-applicant has stated in his parawise report that there are arrears of electricity charges against the premises to the tune of Rs. 20,301.97 in the name of one Shri M.D. Sakharkar who was permanently disconnected in the month of January, 1993 and that the applicant is seeking new service connection in the same premises. Hence, as per Rules and Regulations of MSEDCL, the new connection cannot be released unless the incoming consumer namely the present applicant clears the old outstanding liabilities in respect of the same

premises. The non-applicant has contended that the applicant applied for a new service connection in the Office of the Jr. Engineer VNIT Distribution Center, that her application was sanctioned and a demand note for Rs. 8201/- issued on 02.01.2004. This demand note amount is not yet paid by the applicant. According to him, the fact about existence of outstanding arrears to the tune of Rs. 20,301.97 against the premises where the applicant is seeking a new service connection was brought to her notice by the Jr. Engineer personally. As the consumer was not ready to accept the liability, the demand note amount was not paid by her. He further stated that the outstanding PD bill was sent in the name of one Shri M.D. Sakharkar vide letter number 2318 dated 26.05.2000 by a registered post. Again a notice was served on the consumer on 31.12.2003. It is the contention of the non-applicant that the new connection sought for by the applicant can still be released to her on payment of the arrear amount, the amount of the demand note and also subject to submission of the requisite test report etc. The non-applicant has produced a copy of Shri M.D. Sakharkar's Consumer Personal Ledger pertaining to the period from December, 1997 to June, 2005.

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

The limited grievance of the applicant is in respect of non-release of new service connection to her house. The applicant's contention is that she is not responsible for the outstanding arrear

amount of Rs. 20,301.97/-. According to her, the claim of the non-applicant asking for payment of the outstanding arrear amount is not only time-barred but it is also illegal, improper and unjust. The non-applicant, on his part, has shown his preparedness to release the connection to the applicant if the old arrear amount is paid by her alongwith the demand note amount and also upon submission by her of the requisite test report.

According to us, the provisions contained in Regulation number 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 are applicable to the instant case. According to this legal provision, 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, as the case may be. Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises. The applicant is claiming to be the legal heir of deceased Shri M.D. Sakharkar who was permanently disconnected in the year 1993.

Moreover, this is also not a case of transfer of connection. In view of this provision, the contention of the applicant that the claim of the non-applicant seeking recovery of outstanding liability of Rs. 20,301.97 is not only time-barred but it is also unjust, improper and illegal cannot be accepted by us. Since the old arrear amount is outstanding against the premises in question, the non-applicant has the power to recover this amount from the legal representatives or successors-in-law of the premises. Hence, the argument of the applicant that no pre-conditions should be imposed upon her while releasing the new service connection is misconceived.

In view of above, the applicant will have to pay the old arrear amount to the non-applicant if she wants a new service connection. Needless to say, she will also have to pay the demand note amount and she will also have to submit the requisite test report to the non-applicant.

During the course of hearing, it was enquired with the applicant as to whether she wants to pay the old arrear amount in installments. The applicant there-upon has shown her willingness to pay the old arrear amount of Rs. 20,301.97 in four equal installments, the first installment being of Rs.5000/-. The non-applicant also agreed to this proposition and stated that the service connection sought for by the applicant will be released immediately after the applicant pays the first installment of Rs. 5000/- alongwith the demand note amount and after she files the requisite test report.

In view of above, the request of the applicant to exempt her from payment of the arrear amount in question cannot be granted by us. However, there will be no objection to release new service connection to the applicant as per the afore-mentioned proposition agreed to by both the parties.

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.