

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

---

**Case No. CGRF(NUZ)/023/2009**

Applicant : M/s. Enestee Engineering Pvt., Ltd.,  
Plot No. J-10, J-11/1  
MIDC Industrial Area,  
Hingna,  
NAGPUR.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
MIDC Division NUZ,  
Nagpur.

Quorum Present :1) Shri S.F. Lanjewar  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

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

**(ORDER Passed on 04.07.2009)**

The present grievance application has been filed on dated 20.04.2009 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 to direct the MSEDCL to grant new connection of load 107 HP on plot no. J-10 & J-11/I MIDC Hingna, Nagpur.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter on dated 16.05.2008 under the said Regulations before the Internal Grievance Redressal Cell (IGRC) of NUC, MSEDCL, Nagpur. The Cell, upon enquiry, informed the applicant that new electricity connection to the applicant as prayed by him.

The applicant's case was presented before this Forum by his nominated representative one Shri Venkita Venkat while Shri Fulkar Executive Engineer MIDC (NUC) represented the non-applicant Company's side.

The matter was heard on 12.06.2009 & 24.06.2009.

The consumer deed a assignment cum-sale on dated 1<sup>st</sup> November, 2007 as regards plot no. J-10, J-11/1 in the Nagpur Industrial Area within the village limits of Nildoh. The consumer also obtains on lease adjoining plot bearing No. J-9 from its erstwhile owner. The Industry requires continuous supply of electricity, the consumer obtain electrical connection on plot no. J-9 from MSEDCL.

The applicant had applied for new connection of load of 107 HP on plot No. J-10, J-11/1 MIDC Hingna. But the non-applicant had informed to applicant on dated 24.04.2008 that the application for new connection of load would be proceed only if the payment of outstanding arrears of the previous owner to M/s. Anand Melting Pvt. Ltd., is

cleared. It was also informed that the connection in the name of M/s. Anand Melting was permanently disconnected on dated 18.10.2006 and arrears are outstanding against the said consumer.

The case heard on 16<sup>th</sup> May 2008 before Internal Grievance Redressal Unit and the decision was informed that the outstanding dues of Rs.76,97,494/- in the name of M/s. Anand Melting the erstwhile owner of plot no. J-10 & J-11/1. The new application would be processed only upon payment of outstanding arrears on the said premises.

The consumer had also clarified that even though there are outstanding; the authority cannot ask the subsequent purchaser to clear off dues and then apply for fresh connection. The dues created over the plots were created by the erstwhile owner & the MSEDCL having availed of the remedies to recover those dues cannot refuse fresh connection only on the background that there are outstanding over the said plots. The MSEDCL having failed to recover the dues from the erstwhile owner cannot pass on the liability to the subsequent purchaser. He also said that the Courts have said in so many words that subsequent purchases cannot be fastened with a liability of the earlier owner alone. It is also point-out that there is no any action taken by MSEDCL to recover the dues.

He also alleged that by refusing the connection to consumer there will be a loss to industry. The consumer had submitted at the time of load sanction of M/s. Enestee Engineering Pvt. Ltd., plot No. J-9, J-10 MIDC Nagpur. The applicant has also submitted the rejoinder in which he had submitted the options to respondent consideration has request.

The respondent also added that if the applicant is ready for settlement of the account and seek any relief / concession it is required to submit separate application.

- a) As per the full & final settlement, the total arrears to be paid is Rs. 34,58,266/- in which 15.5% of RLC is credited towards the applicant. They would like to issue an order the balance RLC whenever the order is issued from MSEDCL will be credited towards and adjusted against the running bills so that they will be in a position to settle the arrears.
- b) As the power connection did not received hence they have got loss, so they are ready to pay the arrears if they are reimbursed with at-least Rs. 60 lakhs from RLC charges to be credited & credit towards their running bills.
- c) The amount of RLC to the tune of Rs. 1,72,60,818/- they will consider this amount as security deposit and not to be refunded till the matter is sorted out between MSEDCL and the previous consumer and give power connection immediately. They have also said that as they are the owner of the above plot they are ready to give the same in written to MSEB to release the amount unless & until settled by the provision consumer.

The non-applicant had submitted their written submission on dated 21.05.2009. They have cleared the following things.

The applicant had purchased a plot no. J-10, J-11/1 from M/s. Anand Melting Pvt. Ltd., vide sale deed on dated 05.11.2007 in the name of M/s. Enestee Engineering Pvt. Ltd. The non-applicant

has given the electric connection to the consumer on the adjoining plot No. J-9.

They also said that they have intimated to M/s. Enestee Engineering Pvt. Ltd., that HT connection in the name of M/s. Anand melting Pvt. Ltd., bearing connection no. 410019007050 on plot no. J-10, J-11/1 was permanently disconnected on dated 18.10.2006. There are arrears approximately Rs.76,97,949/- are outstanding on said plots against M/s. Anand Melting Pvt. Limited and ask to contact to SE NUC for more details about arrears and its payment.

The grievance was filed by consumer before Internal Grievance Redressal Unit on dated 16.05.2008 & hearing conducted on dated 06.06.2008, he was informed on dated 21.07.2008, that there is outstanding arrears of approximately Rs.76,97,949/- on plot no. J-10, J-11/1 in the name of M/s. Anand Melting Pvt. Ltd., the erstwhile owner of plot no. J-10, J-11/1 and application of new connection will be processed only after payment of outstanding arrears on said premises. He also stressed that as per MSEDCL rule & regulations MSEDCL cannot release new connection as per the provision where arrears are outstanding.

They had clarified the things that the connection on the plot no. J-10, J-11/1 were previously owned by M/s. Anand melting Pvt. Ltd., on which H.T. connection for contract demand 2000 KVA with connected load 2400 KW was given. As per request of M/s. Anand Melting Pvt. Ltd., the said connection was permanently disconnected on dated 18.10.2006 and the unpaid charges are approximate Rs. 76,97,494/- are still, outstanding on the premises. As per Regulation 10.5 of MERC regulations 2005, the unpaid charges of Electricity are

treated as charges on the premises & the same to be transmitted to the new owner / occupier of the premises. MSEDCL is entitled to recover the same from new owner / occupier of the premises. They are ready to give the connection to new owner of the plot J-10, J-11/1 i.e. M/s. Enestee Engineering only upon payment of all outstanding dues lies on the premises.

The non-applicant also replied on dated 23.06.2009; where they have said, that the refund of RLC to P.D. consumers will be made only on receipt of the representation application from the consumer / his legal heir / successor. Hence RLC cannot be refunded to the applicant in this case. As our dues / arrears are outstanding on the said property, the quantum of RLC refund of Rs.26,75,426.87/- payable to the erstwhile consumer is adjusted against arrears outstanding with him.

It is also added that it is not a legitimate to release electric connection on the property which is in arrears unless and until entire arrears together with interest at applicable rate upto the date of realization. As the RLC is to be refunded to the erstwhile consumer/his legal heir / successor the question of reimbursement of Rs.60 Lakhs does not arise. The MSEDCL has nothing to do with the losses incurred by the purchaser of the property.

The non-applicant also said that the incoming consumer (applicant) can not be entertained at all. Therefore, the question of consideration of balance RLC if any made refundable in future as security deposit and release of new electric connection to the applicant without clearance of outstanding dues does not arise.

The applicant also requested for consideration the things.

- 1) The date of disconnection to be considered as the date of permanent disconnection.
- 2) The Interest & DPC be waived out.
- 3) SLC demanded to be waived out since disconnection.
- 4) Security deposit of Rs.33,89,000/- to be adjusted at the date of disconnection & RLC refund of 15.5% to be adjusted at the date when it was credited to other live consumer.
- 5) Excess electric duty to a tune of Rs.7,80,562 has been collected where as the previous consumer has submitted the SSI details and it has to be refunded and adjusted against this one time settlement.
- 6) The penalty charges Rs.6,45,510/- which was charged against the bills of August, September, October & November 2004 it is also needs to be considered for final settlement.

The case was heard on dated 22.05.2009, 03.06.2009 & 12.06.2009 in the presence of authorized representative of Enestee Engineering Pvt. Ltd & Shri Fulkar E.E. MIDC Division, NUC, Nagpur.

The Forum is issued the order late, because of late submission of reply by applicant & non-applicant. (on dated 24.06.2009 & 23.06.2009 respectively).

The applicant argued at that time of hearing that he should get the new electric connection as he is the owner of plot No. J-10, & J-11/1 as he had purchased the plot from M/s. Anand Melting Pvt. Ltd.,. They also point-out that as there are outstanding of dues the authority

can not ask the subsequent purchaser to clear off the dues and then apply for fresh connection. The dues created over the plots were created by the erstwhile owner and the MSEDCL having availed of the remedies to recover those dues cannot refuse fresh connection only on the background that there are outstanding over the said plots MSEDCL having failed to recover the dues from the erstwhile owner cannot pass on the liability to the subsequent purchaser. By refusing to grant fresh connection, due to which there is a loss.

The applicant had requested that he should sought the relief as per circular of Chief Engineer Commercial No. 43583 dated 15.12.2008 at page no. 7. (Name changes cases / business take over cases of consumers are being observed in field offices in such cases, the refund of RLC of premises Owner / Consumer should be adjusted in the bills of current Owner / name of charged consumer).

The non-applicant argued the case, and replied that they had already intimated to the applicant (M/s. Enestee Engineering Pvt. Ltd.) the consumer No. 410019007050 in the name of M/s. Anand Melting Pvt. Ltd., was permanently disconnected on dated 18.10.2006. The consumer is having arrears of approximately Rs.76,97,949/- are outstanding on the said plot. It was also further added in his argument that the connection was made P.D. on the request of M/s. Anand Melting Pvt. Ltd., and it was made P.D. on dated 18.10.2006 and the unpaid charges of approximate Rs. 76,97,494/- are outstanding on the premises. They also said that as per MERC 10.5 Regulations, 2005 the unpaid charges of Electricity are treated as charges on the owner / occupier of the premises. The connection will issued after the dues clear on the plot no. J-10, J-11/1, hence they requested for rejected of case.





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