

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

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**Case No. CGRF(NUZ)/0119/2006**

- Applicant : Shri Uttamrao Jadhav,  
At 47, L.I.C. Colony, RPTS Road,  
Nagpur- Legal heir i.e. Son of  
deceased Shri Sitaram Jadhav.
- Non-Applicant : The Nodal Officer-  
Executive Engineer,  
Congressnagar Division,  
Nagpur representing the MSEDCL.
- 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 M.S. Shrisat  
Exe. Engr. & Member Secretary,  
Consumer Grievance Redressal Forum,  
NUZ, MSEDCL, Nagpur.

**ORDER (Passed on 26.04.2006)**

This grievance application has been filed on 04.04.2006 by the present applicant who is the legal heir of deceased one Shri Sitaram Jadhav under Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer

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Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of his energy bill dated 30.12.2005 against his consumer no. 410010170242 in which un-paid arrear amount of Rs.18,933=42 outstanding since past against his father's name is included as recoverable.

Before filing the present grievance application, the applicant had approached the Internal Grievance Redressal Unit under the said Regulations raising therein the present grievance. However, no remedy was provided to his grievance by the Unit within the prescribed period of two months as laid down in the said Regulations. Hence the present grievance application.

Both the parties were heard by us on 21.04.2006.

A copy of the non-applicant's parawise comments submitted by him before this Forum under the said Regulations on 21.04.2006 was given to the applicant before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

It is the contention of the applicant that he is using electricity connection vide consumer no. 410010170242, meter no. 9002133497. He has been paying all his energy bills against this consumer number regularly. His deceased father Shri Sitaram Jadhav was having another connection in the same premises vide consumer no. 410010170234, meter no. 9001078578.

He added that his father's meter was permanently disconnected way back on 15.02.1996. The applicant received, to his shock & surprise, energy bill dated 30.12.2005 against his connection i.e. consumer no. 41001070242 which connection is still live in the same premises and an un-paid arrear amount of Rs.18933=42 outstanding against his father's name was included. According to him, inclusion of such a huge amount of arrear, that too, after lapse of long period of about 10 years is not only erroneous but it is also unjust and improper. He is also disputing energy bills issued by the non-applicant (erstwhile MSEB) from 08.12.1994 to 12.02.1996 against his father's electric connection vide consumer no. 410010170234 copies of which have been produced on record by him. It is his contention that all these bills are incorrect.

He further stated that the electricity meter which was being used by his father in the same premises was permanently disconnected on 15.02.1996 and thereafter, till the issuance of his energy bill dated 30.12.2005 against consumer no. 41001070242, this unpaid arrear amount of Rs.18933=42 was never shown as recoverable for a long period of almost ten years.

It is his say that the non-applicant's action of transferring the arrear amount in question into his live connection is illegal.

He lastly prayed that the arrear amount in question may be withdrawn from recovery and past bills of the period from 1994 to 1996 may be revised.

The non-applicant has stated in his parawise report that the applicant's father Shri Sitaram Jadhav was having electricity connection vide consumer no.41001070234 and that the present applicant is the son and hence, the legal heir of deceased Shri Sitaram Jadhav. The unpaid amount in question was outstanding against the consumer no. 410010170234 which connection was actually standing in the name of late Shri Sitaram Jadhav who is the father of present applicant. It came to be transferred to the live account of the present applicant whose consumer no. is 41001070242.

He strongly argued that the present applicant Shri Uttamrao Jadhav is the legal heir occupying the same premises and that he was also consuming the electricity supply from the meter which was standing in the name of his father.

According to him, the meter standing in the name of the deceased father of the applicant was allowed to go in the arrear and the new meter in the house of the present applicant was taken with malafide intention. He further submitted that the arrear amount in question being outstanding against the same premises and because the present applicant is the legal heir of the deceased Shri Sitaram Jadhav and also because he was the beneficiary of the permanently disconnected meter, the arrear of Rs.18,233 was rightly transferred on the live account of the present applicant. He also submitted that he has every right, power and authority to direct the present applicant to pay the arrear amount in question. According to

him, there is no substance in the present grievance application.

He has produced copies of the CPL of the applicant & of his father to support his contentions.

He lastly prayed that the grievance application may be rejected.

The basic point to be decided in the present case is whether the non-applicant's action of transferring the arrear amount in question which was outstanding since past about ten years against the applicant's father into the live account of the present applicant who is the son of deceased Shri Sitaram Jadhav is legally correct or not.

There is no doubt that the present applicant is the legal heir of deceased Shri Sitaram Jadhav. The applicant himself has mentioned this in his application. Although there were two meters in operation in the same premises, one standing in the name of the applicant's father and the other in the applicant's name, the fact remains that the premises were one and the same. It cannot be denied that the present applicant was not the beneficiary of the electric connection that was standing in the name of his father and which was permanently disconnected way back in February, 1996 on account of non-payment of arrears that have accumulated against the applicant's father's electric connection.

According to us, the legal provision contained in Regulation 10.5 of the MERC (Electricity Supply Code and Other Conditions of Supply ) Regulations, 2005 is applicable to the present case.

As laid down in this Regulation any charge 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 a case may be, shall be a charge on the premises transmitted to the legal representatives/successors-in-law or transferred to the 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.

Further, the proviso to this Regulation lays down that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.

In view of this legal provision, since the present applicant admittedly is a legal heir of deceased Shri Sitaram Jadhav, the arrear amount in question shall be recoverable as due from the present applicant. We do not, therefore, see anything wrong if the non-applicant has transmitted the arrear amount in question into the live account of the present applicant. The submissions made before us by the non-applicant are cogent, convincing and fully justified. His submissions also find support of the aforementioned Regulation 10.5

A submission was made by the present applicant that the quantum of consumption showed in the various electricity bills from December 1994 to February 1996 was

erroneous and improper and that the same be revised. The applicant is making this submission after lapse of ten years. Moreover, no other proof is also produced by the applicant to show that such a complaint was made by his deceased father in the past. Otherwise also, this claim of the applicant is clearly time-barred.

We are, therefore, inclined to hold and do hold accordingly that the non-applicant's action of transferring the arrear amount in question into the live account of the applicant in his energy bill dated 30.12.2005 is correct and legal.

In the result, the grievance application stands rejected.

Sd/-	Sd/-	Sd/-
(M.S. Shrisat)	(Smt. Gouri 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.**