

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

Case No. CGRF(NUZ)/0122/2006

Applicant : Shri Vijaykumar Yashwantrao Falke,
Plot No. 47, Verma Layout,
Ambazari,
Nagpur.

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.

ORDER (Passed on 22.05.2006)

The present grievance application has been filed on 10.04.2006 under Regulation 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 erroneous action of the non-applicant in transferring the unpaid arrear amount of Rs. 1000/- of connection vide consumer no. 410015428438 with which he was never concerned.

Before approaching this Forum, the applicant had complained to the Executive Engineer, MSEDCL, Congressnagar Division, NUZ, Nagpur on 27.10.2005 with a copy endorsed to Officer in-charge of Shankarnagar S/Dn., raising therein the present grievance. No remedy, whatsoever, was provided to his grievance within the prescribed period of two months as laid down in the said Regulations and hence, the present grievance application.

The requirement of the applicant approaching the Internal Grievance Redressal Unit under the said Regulations stands dispensed with in view of his having complained to the Executive Engineer, Congressnagar Division, NUZ, Nagpur and also to the Officer in-charge of Shankarnagar S/Dn. Such a dispensation has also been confirmed by the MERC.

The matter was heard by us on 11.05.2006.

A copy of the non-applicant's report containing parawise comments dated 10.05.2006 filed by him under the said Regulations was given to the applicant on 11.05.2006 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 one Ku. S.B. Neware was his tenant and she was having electric connection vide consumer no. 410013600884.

His tenant Ku. S.B. Neware had left the tenanted premises some 8/9 years back. According to him, he is having an independent electric connection having consumer no. 410015458431 which he is still using. He added that the non-applicant erroneously transferred arrear amount of Rs.1000/- vide energy bill dated 18.10.2005 for Rs. 1000/- bill no. 9008129359 into his live account with which he was never concerned. The arrear amount of Rs.1000/- in question was in fact pertaining to the energy charges of Ku. Sharda B. Neware vide consumer no. 410013600884 and that the non-applicant ought to have recovered this amount from Ku. Neware long back. According to him, the arrear amount in question pertains to a period prior to some 8/9 years back and that the same cannot be legally recovered from him. He has also informed the non-applicant vide his application dated 27.10.2005 the present address of Ku. Neware with a request to recover the said arrear amount from her.

He strongly contended that the non-applicant's action of transferring the arrear amount in question into his live account is unjust, improper & illegal.

He lastly prayed that the arrear amount in question may not be recovered from him.

The non-applicant has stated in his parawise report that the present complaint has been filed by the present applicant who had a tenant in his premises namely one Ku. S.B. Neware who was having electric connection vide consumer no. 410013600884. The tenant Ku. Neware was occupying the premises and she was running a business in the tenanted premises under the name and style of Sharda Dudh Dairy. According to him, the present applicant is trying to avoid

his liability of payment of arrear amount of Rs. 926.50/- which was outstanding since past against the premises owned by the present applicant. He added that the present applicant is liable to pay the outstanding arrear amount of Rs.926.50/-

He further submitted that there was nothing wrong in transferring the said arrear amount of Rs. 926.50/- into the present applicant's live account vide consumer no. 410015458431 and that the present applicant is legally responsible to make payment of this arrear amount.

He also stated that the action of the present applicant is full of malafides and that his sole intention is to avoid the legal liability. According to him, there is no substance in the grievance application. He, therefore, prayed that the grievance application may be dismissed in the interest of the justice.

The only point that needs to be decided is whether the said arrear amount of Rs.926.50/- which was outstanding against a different person since long past can be recovered from the present applicant in the manner in which it is proposed to be recovered.

It is an admitted position that this arrear amount of Rs. 926.50 was transferred in October 2005 into the live account of the present applicant vide consumer no. 410015458431. There is also no dispute that this amount in fact was outstanding against Ku. S.B. Neware who was the applicant's tenant and that this amount was pending for recovery since August, 2003 as revealed by the CPL pertaining to Ku. S.B. Neware vide consumer no. 410013600884. It is also an admitted position that the electric connection of Ku. Neware was permanently disconnected in the long past.

As laid down in Section 56 (2) of the Electricity Act, 2003, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

The arrear amount in question was transferred in the live of the present applicant in the month of October 2005 for the first time and that the arrear amount in question was not shown as continuously recoverable in the applicant's live account between August, 2002 and October 2005. Evidently the non-applicant's claim of recovery against the present applicant is time-barred in terms of Section 56 (2) of the Electricity Act 2003. Moreover, the electric connection of Ku. S.B. Neware vide account no. 410013600884 and that of the present applicant vide consumer no. 410015458431 are two independent connections and hence the non-applicant ought not to have transferred the arrear amount in question into the live account of the present applicant particularly when the arrear amount in question was pertaining to an all together a different consumer and also because the non-applicant's action challenged by the applicant was hit by Section 56 (2) of the Electricity Act, 2003.

In view of above, the non-applicant's claim of recovery against the present applicant was not proper and legal.

In the result, we allow the present grievance application and direct the non-applicant not to recover the arrear amount in question from the present applicant.

This order is issued without prejudice to the non-applicant's legal right of recovering the arrear amount in question from the persons responsible.

Sd/-
(Smt. Gauri 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.**