

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

Case No. CGRF(NUZ)/329/2014

Applicant : Dindayal Sadnika Association,
User- Secretary Shri Vilas Mahajan,
Flat No. ICID, Dindayal nagar,
Nagpur : 22.

Non-applicant : Nodal Officer,
The Executive Engineer,
Congressnagar Division,
MSEDCL, N.U.C.,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 12.2.2015.

1. The applicant filed present grievance application before this Forum on 16.12.2014 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Applicant's case in brief is that M.S.E.D.C.L. affixed disconnection notice dated 5.12.2014 on the meter box of Consumer No. 410013003771 and Consumer No. 410013085921/2 and directed to pay electricity bill of Rs. 2250/- and Rs. 1060/- respectively, failing which supply of Connection No. 410011972032 shall be disconnected. In fact in the year

1988, there was permanent disconnection of Consumer No. 410013003771 and at the time of permanent disconnection, bill was fully paid. Since then, there was no notice from M.S.E.D.C.L. There is no Consumer No. 410013085921/2 in existence and there was no supply from the consumer number. No notice was served for arrears of this consumer number because entire bill is already paid and nothing is due. Disconnection notice is illegal. Demand is after 25 years. No record is available about this amount with M.S.E.D.C.L. Therefore notice Dt. 5.12.2014 be declared as Null &Void so also illegal.

3. In main grievance application, applicant also claimed interim relief not to disconnect the supply during the pendency of the matter under regulation 8.3 of the said regulations.

4. Non applicant denied applicant's case by filing reply Dt. 18.12.2014. It is submitted that Dindayal Sadanika Association is holding one electric connection under the name of Dharampeth Griha Nirman Sanstha, situated at Dindayal Nagar Nagpur filed the proceedings. Admittedly said Dindayal Sadanika Association is having multi residential complex situated at the above address. On the premises of Dindayal Sadanika Association, it was found that said premises in its constructed building, previous having two connections having Consumer No. 410013003771 and Consumer No. 410013085921. It is further informed to the applicant therein that there are outstanding arrears against those connections which came to be permanently disconnected on account of arrears of outstanding electricity charges.

5. It is further submitted that at Dharampeth Griha Nirman Sanstha, situated at Dindayalnagar Nagpur, one electric connection has been still utilised by the Secretary, Dindayal Sadanika Association of the

property of multi residential complex, situated at that location and hence they are liable to pay outstanding arrears of M.S.E.D.C.L., in view of non payment of outstanding amount at this premises. Hence supply to the said connection was liable to be disconnected and therefore disconnection notice was rightly issued by M.S.E.D.C.L. authority. The premises is in arrears of electricity consumption charges and further more this is a case there is even no change of ownership with respect to the property and consequently in view of the provisions of clause 10.5 of the supply conditions, entire arrears are payable by the present owner. Applicant suppressed the material fact, though having full knowledge. Provisions of regulation 10.5 of supply conditions are applicable to this case and applicant is liable to pay these arrears.

6. Forum heard argument of non applicant and perused record.

7. Record shows that till today there is no change of ownership of the property. Property and electricity connection is continued in the same name. There was P.D. in the year 1999. It is noteworthy that in CPL, these arrears are continuously shown as arrears in the bill of every month. Section 56 (2) of Electricity Act 2003 reads as under :-

56(2) – *“Notwithstanding anything contained in any other law for the time being in force, 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 arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”.*

8. Therefore under section 56 (2) of E.A. 2003, so far as limitation of two years is concerned, specific exception is laid down to the effect that

“unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied”.

9. Therefore it is an important exception. According to the Officers of M.S.E.D.C.L. since 1999, these arrears are continuously shown as recoverable as arrears of charges for electricity in the bill of every month and therefore limitation of 2 years is not applicable to this case. M.S.E.D.C.L. also produced CPL on record. These arrears are shown in every month as recoverable and therefore M.S.E.D.C.L. is entitled to recover this amount and it is not time barred.

10. Regulation 10.5 of MERC (Electricity Supply Code and other Conditions of Supply) Regulations 2005, reads as under : -

“10.5 – 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 representative or successor-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 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises”.

11. According to these provisions, applicant Dindayal Sadanika Association, Dindayal nagar, is liable to pay these arrears on the property and therefore disconnection notice issued by M.S.E.D.C.L. Dt. 5.12.2014 is legal and valid and M.S.E.D.C.L. is entitled to disconnect the supply if the arrears are not paid.

12. Therefore grievance application deserves to be dismissed. It is necessary to modify order of interim relief Dt. 18.12.2014. Hence following order :-

ORDER

- 1) Grievance application is dismissed.
- 2) Interim order Dt. 18.12.2014 directing M.S.E.D.C.L. not to disconnect supply of the applicant till disposal of this matter, is hereby modified and cancelled.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN