

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

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**Case No. CGRF(NUZ)/047/2007**

Applicant : Smt. Kalpana P. Jawanjil, Heir of  
deceased  
Shri Vasantao D. Gomkale  
M.A. -9/MIG Colony, Laxminagar,  
Nagpur.

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

Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

2) Shri S.J. Bhargawa  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 26.09.2007)**

The present grievance application is filed on 30.08.2007 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 of erroneous and unjustifiable inclusion of arrear amount of Rs.4,375=54 in her energy bill dated 22.02.2007.

Before approaching this Forum, the applicant had filed her complaint dated 16.05.2007 before the IGRC (in short, the Cell) on the same subject-matter under the said Regulations. The Cell, upon enquiry, informed the applicant by its letter, being letter no. 3847 dated 18.06.2007 that her billing complaint stands redressed as per the reply dated 04.06.2007 filed before the Cell, by the Dy. E.E. Shankarnagar S/Dn. MSEDCL, Nagpur. In short, the Cell endorsed the decision of the concerned Dy. E.E. The applicant is not satisfied with the reply given to her by the Cell and hence, the present grievance application.

The matter was heard on 17.09.2007 & 21.09.2007.

The applicant's case was presented before this Forum by her nominated representative one Shri Prashant B. Jawanjal while the Executive Engineer, Congressnagar Division, Nagpur Urban Zone presented the non-applicant Company's case.

The applicant's representative's submission is that the applicant is a consumer of the non-applicant Company since 1996. The applicant is paying the electric bills regularly since the date of connection. There are no outstanding dues against the applicant since the installation of the meter. The Consumer No. of the applicant is 41001359511 and meter No. 8002219300. No arrears, whatsoever, were shown as outstanding in the applicant's bills till January 2007. However, to the shock and surprise of the applicant, an arrear amount of Rs.4,375=54 came to be suddenly included for the first time in the applicant's energy bill dated 22.02.2007. According to the applicant's

representative, inclusion of this arrear amount in the applicant's energy bill is unjust, improper and illegal. On receipt of the bill in question, the applicant approached MSEDCL and, upon enquiry, she was told that the arrear amount was outstanding in the name of one Ms Vishakha Fender, consumer no. 41003595945. According to the applicant, she is not at all liable for making payment for the consumption made by any person other than herself. In view of this position, the transfer of arrear amount in question from Ms Vishakha Fender's account to the applicant's account is totally unjustified. The MSEDCL is also not clear about the origin of the arrears. There are contradictory statements made by MSEDCL in this respect. On one occasion, they say that the arrear amount in question was outstanding against Ms Vishakha Fender while on the next occasion they show this arrear amount as outstanding against M/s. Perfect Constructions against their common meter vide consumer no. 410013595813. And now, this arrear amount is wrongly shown as payable by the applicant.

According to the applicant's representative, reliance placed by MSEDCL on the mere statements of some of the co-residents of the building complex where the applicant is owning a shop, being shop no. 3, is not proper and legal.

The applicant's representative has produced on record a copy of the registered sale-deed dated 11.07.1997 executed between the deceased Shri Vasant Rao D. Gomkale and Smt. Kalpana w/o Arun Kadu and the builder M/s. Perfect Constructions. Relying on this sale-deed, the applicant's representative strongly contended that the shop no. 3 was purchased by the applicant along with her father Vasant Rao D. Gomkale directly from the builder. The applicant Kalpana was

originally married to one Shri Arun Kadu. Upon the death of Shri Arun Kadu, the applicant Kalpana got remarried with one Shri Prashant Baburao Jawanjal. Requisite documents to substantiate this statement are produced on record.

He added that the statement made by the non-applicant that Late Shri Vasatrao D. Gomkale was the beneficiary of the consumption of electricity made by Ms Vishakha Fender is totally unjustified. Both Shri Vasatrao Gomkale and Ms Vishakha Fender have been two different consumers with different consumer numbers. The non-applicant has also not established that the premises against which the arrear amount in question has been outstanding since last about 10 years and the premises owned and occupied by the present applicant since the year 1996 are one and the same. He, therefore, prayed that the arrear amount in question may be deleted from the applicant's energy bill.

The non-applicant, on his part, has produced on record a written submission dated 04.06.2006 filed before the Cell by the Dy. E.E. Shankarnagar S/Dn., MSEDCL, Nagpur. The non-applicant's say is as per the reply submitted to the Cell as aforesaid. It is his contention that an electric connection in the name of Ms Vishakha Fender was installed in the same premises now possessed by the applicant. This connection went into arrears and ultimately, the service connection, being S.C. No. 41003545945, in the name of Ms Vishakha Fender came to be permanently disconnected because of non-payment of arrear amount of Rs.4375=54. Earlier this arrear amount was transferred in the account of consumer number 410013595813 of M/s. Perfect Constructions against the common meter connection.

Thereupon, some of the flat owners of the scheme made a grievance that the shop block in which the permanently disconnected meter was installed in the name of Ms Vishakha Fender i.e. shop no. 3 was subsequently transferred to Shri Vasanttrao Gomkale. Relying on the submission made by some of the flat owners, the non-applicant transferred the arrear amount in question against the consumer Shri Vasanttrao Gomkale having consumer no. 41001359511, meter no. 80082219330.

According to him, the applicant Smt. Kalpana P. Jawanjal is not a registered consumer nor in any way having any privity of contract or agreement with MSEDCL and therefore, she has no authority or locus-standi to file the present grievance or to make a complaint in respect of transfer of the said arrear amount into the account of Shri Vasanttrao Gomkale. He assertively stated that the arrear amount in question is in respect of the same premises now in possession of the applicant and that as such, there is no substance in the present grievance application.

He lastly prayed that the grievance application may be dismissed.

In this case, the applicant has proved beyond doubt that she has purchased the said shop no. 3 along with Shri Vasanttrao Gomkale directly from the builder M/s. Perfect Constructions. This is clear from the sale-deed dated 11.07.1997. This sale-deed clearly makes a mention of names of purchasers as Shri V.D. Gomkale and Mrs. Kalpana wife of Arun Kadu. The applicant Smt. Kalpana, upon the death of her first husband Shri Arun Kadu got re-married to Shri Prashant Jawanjal. It is also a matter of record that Shri V.D. Gomkale

died on 01.11.2001. Hence, it follows that the applicant has been and is the owner of shop no. 3. There is also a letter, being letter dated 26.04.2007, from the builder M/s. Perfect Constructions to the effect that the shop in question was allotted to Shri V.D. Gomkale having only one electric meter since beginning. The letter produced on record by the applicant further states that no other electric meter was installed in that premises in the name of any other person. It is, therefore, not understood as to how the non-applicant is making a statement that the shop no. 3 was purchased by the applicant from Ms Vishakha Fender.

The Consumer Personal Ledger produced on record by the non-applicant clearly shows that shop no. 3 of plot no. 104 has been belonging to Shri V.D. Gomkale and his service connection number is 410013395911. This position holds good since December, 1997. The CPL in respect of Ms Vishakha Fender produced on record by the non-applicant, vide consumer no. 4100139945, makes a mention only of plot no. 104, Abhankarnagar, Nagpur. There is no mention in this CPL of shop no. 3 as belonging to Ms Vishakha Fender. The non-applicant has, thus, not been able to substantially prove that the premises owned and occupied by the applicant i.e. shop no. 3 and the premises belonging to Ms Vishakha Fender were one and the same. As rightly stated by the applicant's representative, Late Shri Vasant Rao Gomkale in whose name the meter for shop no. 3 is standing and Ms Vishakha Fender are two different consumers having different consumer nos. and also that the shop no. 3 is owned by Shri Vasant Rao Gomkale along with the present applicant. The non-applicant seems to have simply relied without any fool-proof enquiry on the statement made by some of

the co-residents of the building complex where the applicant is having her shop no.3. The documentary evidence produced on record by the applicant's representative conclusively prove that Shri Vasantao Gomkale and the present applicant had directly purchased shop no. 3 from M/s. Perfect Constructions way back in the year 1997 and further that the applicant can, by no imagination, be held liable for payment of the arrear amount in question which has been outstanding against a different person namely Ms Vishakha Fender and different premises. Consequently, the transfer of the said arrear amount into the account of Shri Vasantao Gomkale vide consumer no. 41001359511 is clearly unjust, improper & illegal.

A submission has been made by the non-applicant that the applicant is not a registered consumer or not having any privity of contract with MSEDCL and that, as such, she has no locus-standi to file the present application. However, this submission cannot be accepted by this Forum for the simple reason that the shop no. 3 is owned by Shri Vasantao Gomkale and the present applicant in their capacity as joint purchasers and further that electric meter was already sanctioned in the past in the name of one of them as a registered consumer of the non-applicant Company. The applicant as a co-owner has been the lawful recipient of electricity through service connection no. 41001359511, meter no. 802219030 along with Shri Vasantao Gomkale. It is a different matter that the applicant has not effected change of name upon death of Shri Vasantao Gomkale. This, she can do, even now in terms of Regulation 10 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 after following the procedure prescribed by the non-applicant Company.

In the result, the grievance applicant is allowed and the non-applicant is directed to delete the arrear amount in question from the energy bill dated 22.02.2007. The applicant is not liable to pay this arrear amount.

This order is passed without prejudice to the non-applicant's right of recovering this arrear amount by filing a suit against appropriate parties in terms of Section 56 (1) of the Electricity Act, 2003.

The grievance application stands disposed off accordingly.

The non-applicant shall report compliance of this Order to this Forum on or before 31.10.2007.

**Sd/-**  
**(S.J. Bhargawa)**  
Member-Secretary

**Sd/-**  
**(S.D. Jahagirdar)**  
CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's**  
**NAGPUR URBAN ZONE, NAGPUR.**