

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

Case No. CGRF(NUZ)/0148/2006

- Applicant : Smt. Rama Wasnik,
At Plot No. 77,
Jogi Nagar,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Mahal Division, NUZ,
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 S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 20.09.2006)

The present grievance application has been filed on
02.09.2006 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 inclusion of arrear amount of Rs.27,464.25/- in her energy bill dated 18.06.2006.

Before approaching this Forum, the applicant's husband Shri Liladhar Gomaji Wasnik filed her complaint dated 22.06.2006 on the same subject-matter of the present grievance before the Internal Grievance Redressal Cell (in short the Cell) in the prescribed form "X" under the said Regulations. The Cell, upon inquiry, informed him by its letter, being letter no. 5606 dated 28.07.2006, that the service connection, being service connection no. 410010413013, allotted to the applicant's husband was permanently disconnected on account of non-payment of the arrears of electricity charges and also that theft penalty amount of Rs.15,862/- + compounding charges of Rs. 4000/- were levied against him because of theft of electricity committed by him at the applicant's husband's premises and that the service connection no. 410010413013 of the applicant's husband and another service connection, being no. 410015852155, are both belonging to the applicant's husband. The Cell further informed the applicant's husband that the un-paid arrear amount of permanently disconnected service connection of the applicant's husband and also theft assessment amount etc. outstanding against him should be immediately paid in order to avoid further legal action.

The applicant is aggrieved by this decision of the Cell and hence, the present grievance application.

The matter was heard by us on 20.09.2006.

The applicant contended that she is having service connection, being service connection no. 410015852155, at her residence at plot no. 77, Joginagar, Nagpur while her husband Shri Liladhar Wasnik was having another service connection viz. connection no. 410010413013 at premises comprised in plot no. 54 in Joginagar, Nagpur and that the applicant's premises and the premises of her husband are two different premises independent of each other. She added that the non-applicant's action of including arrear amount of Rs.27,464=25 in her energy bill dated 18.06.2006 was totally unjust, improper and illegal for the reason that she is not at all concerned with the arrear amount payable by her husband in respect of a totally different service connection and also premises. She, therefore, requested that aforesaid arrear amount in question may be withdrawn from recovery. She is paying all her current energy bills regularly.

Lastly, she urged that her disputed energy bill in question may be revised accordingly.

The non-applicant has stated in his parawise report dated 12.09.2006 that the applicant had given a guarantee by signing a guarantee letter on a stamp paper of Rs. 50/- on 04.08.2005 to the effect that she undertakes to make payment which is outstanding against her husband in respect of his service connection. He added that the arrear amount in question was rightly transferred from the P.D. account of her husband vide consumer no. 410010413013 to the applicant's account vide consumer no. 410015852155 in the billing month of April, 2006. He submitted that the applicant's grievance application is misconceived and that it may be rejected.

In the instant case, it is an admitted position that the arrear amount in question was pertaining to the applicant's husband Shri Liladhar Wasnik for premises at plot No. 54, Joginagar, Nagpur vide service connection no. 410010413013 and also that the applicant is having an independent service connection, being S.C. No. 410015852155, at a different and distant premises namely plot no. 77, Joginagar, Nagpur. It is, therefore, crystal clear that the arrear amount in question was not pertaining to the present applicant's service connection and that the same was also not related to the same premises. The non-applicant's action of transferring the said amount into the applicant's account was, therefore, evidently illegal.

Section 56 (1) of the Electricity Act, 2003 permits a Distribution Licensee to transfer such an arrear amount to any other live account of the same consumer. However, in the instant case, the arrear amount in question though not pertaining to the present applicant was erroneously transferred in her account.

The contention of the non-applicant that the arrear amount in question pertaining to the applicant's husband was transferred to the applicant's account in view of written undertaking dated 04.08.2005 given by her is not sustainable in the eyes of law. Moreover, the said undertaking was taken subsequent to transferring of the arrear amount to the applicant's account.

The applicant's contention in this respect is that she was in need of a new connection at her house and hence, she signed this undertaking under duress. Obtaining such an undertaking from the applicant by the Executive Engineer, Mahal Division, MSEDCL, Nagpur can, in no way, validate the non-applicant's wrong and illegal

action of transferring the amount of Rs.27,464=25 into the applicant's account particularly when this amount was not at all pertaining to the present applicant and also because this amount was not related to the same premises.

It is also seen that the present applicant was not given any opportunity of hearing by the Cell before taking the decision dated 28.07.2006.

In the result, while allowing the applicant's grievance application, we direct the non-applicant to withdraw from recovery the arrear amount in question from the energy bill of the applicant forthwith. The present applicant cannot be beheld responsible for payment thereof in the facts and circumstances of the case.

This order is passed without prejudice to the non-applicant's right of recovering the aforesaid amount from persons responsible by a suit.

The non-applicant shall report compliance of this order to this Forum on or before 30.09.2006.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

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