

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

Case No. CGRF(NUZ)/285/2014

Applicant : Shri Ramesh Durgaprasad Tiwari,
H.No. 149/A, Near Tarekar Jewelers,
Ganeshpeth,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,
NAGPUR.

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

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 5.1.2015.

1. The applicant filed present grievance application before this Forum on 11.11.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that P.D. arrears of Rs. 11928/- in respect of erstwhile consumer one Smt. Pushpa K. Yerpude with consumer No. 4100010259782 have wrongly been charged in his bill of July 2014 and therefore applicant requested for withdrawal of these P.D. arrears from his bill.

3. Non applicant denied applicant's case by filing reply Dt. 24.11.2014. It is submitted that since 24.12.2013, residential connection of 1 phase is given to the applicant with Consumer No. 410018732959 for residential purposes. Applicant complained that in the bill of July 2014, P.D. arrears of Smt. Pushpa K. Yerpude Consumer No. 410010259782 have been added in his bill. As per Regulation 10.5 of MERC Supply Code Regulations 2005, these P.D. arrears can be recovered for a period of six months. These P.D. arrears are regarding the same premises and against property. Therefore those P.D. arrears are added in the bill of the applicant. Learned I.G.R.C. passed order Dt. 31.10.2014 and ordered that only P.D. arrears of six months amounting to Rs. 9686/- should be added in the bill of the applicant instead of Rs. 11928.27. Therefore SNDL is ready and willing to deduct $(11928 - 9686) = 2242/-$ from the bill of the applicant.

4. Forum heard arguments of both the sides and perused the record.

5. Applicant produced copy of registered sale deed Dt. 16.4.1993 on record. We have carefully perused the sale deed. In description of the property in the recital of the sale deed, it is specifically mentioned that this property is situated in Ganeshpeth Nagpur. It is double storied building. In front of the building there is open site. There are total 10 rooms on the ground floor and 6 rooms on the first floor. There are 2 stair cases. Electricity meter and electrical fitting is available. Immovable property is handed over to the applicant along with electric meter and electric fittings. In the later part of the sale deed, it is specifically mentioned that at the time of sale deed, various tenants are residing and after the sale deed, those tenants shall be continued as the tenants of purchaser applicant and applicant shall

recover rent from them. It is the choice of the applicant whether to continue the tenancy or to bring to an end.

6. During the course of arguments, it was argued by the applicant's side that date of sale deed is 16.4.1993 and tenants were residing, applicant took steps to vacate the tenants. At that time Forum made query whether civil litigation was going on and whether civil dispute of tenancy came to an end, but applicant was suppressing the truth and replied that he had absolutely no knowledge.

7. Record shows that there was permanent disconnection of Smt. Pushpa K. Yerpude on December 2013 and therefore only on 24.12.2013, new connection is given in the name of applicant Shri Ramesh D. Tiwari for 1 phase meter. Premises are one and the same. According to the provisions of Regulation 10.5 of MERC Supply Code Regulations 2005 –

“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 representatives or successors-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”.

8. Therefore the applicant who is new occupant is liable to pay unpaid dues of previous consumer limited to a period of 6 months only.

9. We have carefully perused the order passed by Learned I.G.R.C. It is well reasoned order and therefore legal and proper. Learned I.G.R.C. ordered and directed SNDL to revise the debit amount to Rs. 9686/- and to give credit of balance amount (11928 – 9686) = Rs.2242/- to the applicant along with credit of DPC, interest in his ensuing bill and directions were given to comply the order on or before 15.11.2014.

10. In reply of SNDL it is specifically mentioned that they will give credit of Rs. 2242/- in the next bill.

11. Therefore in our opinion, order passed by Learned I.G.R.C. is legal & proper and needs no interference. Hence grievance deserves to be dismissed. Therefore Forum proceeds to pass following order :-

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN