

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

Case No. CGRF(NUZ)/075/2005

Applicant : Shri Kewaldas Gyaniram Tembhekar
At Gorewada Wasti, Ward No. 1,
Nagpur.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Civil Lines Division, NUZ,
Nagpur representing the MSEDCL.

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

2) Shri Shrisat
Member secretary,
Consumer Grievance Redressal Forum,
Nagpur Urban Zone,
Nagpur.

3) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone, Nagpur

ORDER (Passed on 15.12.2005)

The present grievance application has been filed before this Forum on 25.11.2005 in the prescribed schedule "A" as per 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 claim of the non-applicant for recovery of past un-paid electricity charges.

Before approaching this Forum, the applicant went before the Internal Grievance Redressal Unit for redressal of his aforesaid grievance in terms of Regulation 6.3 of the said Regulations. In response to the applicant's complaint, this Unit informed the applicant by its letter, being letter No. 3922 dated 17.11.2005, to the effect that past unpaid arrear amount of Rs.3389.72 was outstanding against the premises now owned and occupied by the applicant and that the applicant will have to pay this outstanding amount.

Aggrieved by this decision of the Internal Grievance Redressal Unit, the applicant approached this Forum under the said Regulations.

The matter was heard by us on 13.12.2005 on which date both the parties presented before us their respective submissions. Documents produced on record by both of them are also perused and examined by us.

After receipt of the grievance application, the non-applicant was asked to furnish before this Forum his parawise comments in terms of Regulations 6.7 & 6.8 of the said Regulations on the applicants grievance. Accordingly, the non-applicant submitted his parawise comments before this Forum on 13.12.2005. A copy thereof was given to the applicant on 13.12.2005 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 he purchased the premises in question in the year 1998 from one Smt. Anjanabai D. Brahmne. At that time, electricity meter was not available at the premises and there was no supply of electricity. There-upon, he approached the MSEB Official for providing a new electricity connection which was provided to him by the non-applicant's Officer.

He added that he has paid all the electricity bills regularly right from the year 1998 till 13.09.2005. To his shock & surprise, he received a letter, being letter dated 14.09.2005, from the Superintending Engineer, NUZ, MSEDCL, Nagpur informing him that an amount of Rs.3389.72 had remained un-paid against the premises when one Smt. A.D. Brahmne was the owner and further that this arrear amount should be paid by the applicant within a period of 15 days failing which the applicant's supply of electricity would be disconnected.

He strongly contended that he is not at all responsible for payment of the outstanding amount in question since it was the liability of the erstwhile owner of the premises and further that this amount should be recovered from the previous owner. His say is that the non-applicant released in his favour a new electricity connection way back in the year 1998 and at that time no idea was given to him before releasing electricity connection about this unpaid outstanding arrear amount. According to him, the non-applicant's claim of recovery of the past un-paid amount pertaining to the period prior to 1998 against him is unjust, improper & illegal.

He has produced copies of the following documents in support his contentions.

- 1) The Internal Grievance Redressal Unit's reply, being letter number 3922 dated 17.11.2005.
- 2) A letter, being letter number 4033 dated 01.10.2005, addressed to him by the Executive Engineer, Civil Lines Division, NUZ, Nagpur informing him to pay the P.D. arrear amount of Rs.3389.72.
- 3) Notice, being notice number 14 dated 14.09.2005 addressed to him by the Superintending Engineer, MSEDCL, NUZ, Nagpur on the subject of P.D. recovery.
- 4) His complaint dated 05.11.2005 addressed to the Internal Grievance Redressal Unit which was duly received by this Unit on 10.11.2005.
- 5) His letter dated 23.09.2005 addressed to the Superintending Engineer, MSEDCL, NUZ, Nagpur in reply to the later's notice dated 14.09.2005.
- 6) His energy bill for 37 Units for Rs. 64/- for the period from 15.10.98 to 14.12.1998.

Relying on these documents, the applicant submits that recovery process initiated against him by the non-applicant may be cancelled.

The non-applicant has stated in his parawise report dated 06.12.2005 that P.D. arrear amount of Rs. 3389.72 was outstanding against the premises now owned by the applicant and that he is duty-bound to pay this amount.

The process of recovery of these un-paid charges is initiated by the Superintending Engineer, MSEDCL, NUZ, Nagpur.

According to him, a reply, being letter number 4033 dated 01.10.2005, was given to the applicant with reference to his letter dated 23.09.2005.

He has produced alongwith his parawise report a copy of this letter dated 01.10.2005 and also a copy of reply dated 17.11.2005 given to the applicant by the Internal Grievance Redressal Unit.

Relying on these documents, the contention of the non-applicant is that the un-paid amount in question outstanding against the premises will have to be paid by the applicant as per Rules & Regulations and further his grievance application may be rejected.

We have carefully gone through all the submissions made before us by both the parties and also all documents produced on record by both of them.

The main question to be decided in the instant case is whether the present applicant is liable to pay the past un-paid P.D. arrear amount.

In this respect, the provisions contained in Regulation 10.5 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 herein-after referred-to-as the Supply Code Regulations are attracted. The text of this Regulations 10.5 is re-produced below.

“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.”

It is crystal clear from this legal provision that any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by the erstwhile owner shall be a charge on the premises transmitted to the new owner of the premises and the same shall be recoverable from the new owner. Hence, the past un-paid charges will have to be paid by the present applicant who is the new owner of the premises in question. However, as laid down in the proviso to Regulations 10.5 of the Supply Code Regulations, except in the case of transfer of connection to a legal heir, the liability transferred under Regulation 10.5 is restricted to a maximum period of six months of the un-paid charges. Hence, the liability of the present applicant who is not covered by the category of legal heir stands restricted to a maximum period of six months of the unpaid charges.

The non-applicant's contention is that the un-paid amount of Rs. 3389.72 pertains to a period which is less than six months prior to the date of P.D. disconnection of electricity to the premises in question. However, this will have to be ascertained afresh and the applicant will have to be satisfied by the non-applicant about this fact.

In the result, we direct the non-applicant to ascertain afresh and fix the applicant's liability of payment of un-paid charges keeping in view observations made by us in this order.

We further direct that the applicant shall pay the amount of the un-paid charges comming to his share of liability in terms of this order.

We also direct both the parties to report compliance of this order to this Forum on or before 31.12.2005.

The applicant's grievance application stands disposed off accordingly.

Sd/- (M.S. Shrisat) Member-Secretary	Sd/- (Smt. Gouri Chandrayan) Member	Sd/- (S.D. Jahagirdar) CHAIRMAN
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**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.**