

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

Case No. CGRF(NUZ)/073/2005

- Applicant : Shri Tukaram Bodhraj Raipure
44, Bajajnagar,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Congressnagar Division, NUZ,
Nagpur representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal Forum,
Nagpur Urban Zone,
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone, Nagpur
Nagpur.
- 3) Shri Shrisat
Member secretary,
Consumer Grievance Redressal Forum,
Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 17.12.2005)

The present grievance application has been filed before this Forum in the prescribed schedule "A" on 23.11.2005 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 non-release of electricity connection to the applicant un-conditionally.

Before filing the present grievance application, the applicant had approached the Internal Grievance Redressal Unit by filing his complaint application, being application dated 14.11.2005, under the said Regulations. This Unit, in response to the applicant's complaint, replied him by its letter, being letter No. 3591 dated 27.05.2005, informing that P.D. arrear amount of Rs. 38,739/- is outstanding against the premises of the applicant and that because of this, the new connection asked for cannot be released unless and until this amount is paid.

It is against this decision of the Internal Grievance Redressal Unit that the applicant has filed the present grievance application under the said Regulations.

The matter was heard by us on 16.12.2005 on which date both the parties present made their submission before us in support of their respective claims. Documents produced by both of them are also perused and examined by us.

The applicant's case is presented before us by his nominated representative one Shri D.D. Dave.

It is the contention of the applicant's representative that the applicant is the owner of the premises in question. There are tenants inducted by the applicant in

this premises. His two new tenants applied to the non-applicant on or about 18.03.2005 for release of new electricity connections to them. According to the applicant's representative, the non-applicant, instead of processing these two applications for releasing connections, held up the matter on the ground that past unpaid arrear amount to the tune of Rs.38,789/- is outstanding against one Shri Arvind Koyal who was the applicant's past tenant in one of the tenanted premises. This arrear amount pertains to a long past period against the applicant's past tenant one Shri Arvind Koyal.

The applicant's representative strongly contended that the tenant Shri Koyal made his last payment of his energy bill on 29.11.1988 and there-after permanently left the premises in the year 1988 on clearing the last bill payment of the non-applicant and further that the action of the non-applicant in claiming the past amount of Rs.38389/- after 17 years' period is not only improper and unjust but it is also not legal.

After the tenant Shri Koyal vacated the premises rented out to him, one Shri S.S. Chourasiya was inducted as a new tenant in his place by the applicant. Shri Chourasiya applied for releasing a new electricity connection for the same premises in the year 2003 and the non-applicant released the new connection sought for by Shri Choursiya and also commissioned power supply to him in the year 2003.

The applicant's representative observed that it is not explained satisfactorily by the non-applicant as to how such a huge amount of Rs.38389=54 remained outstanding

particularly when his tenant left the premises permanently in the year 1988 after making his last energy bill payment on 29.11.1988. He added that the non-applicant has not taken any action during the past 17 years to recover this amount and that not a single notice was sent informing that such a huge amount is outstanding against the premises.

He vehemently argued that the non-applicant ought to have filed a Civil Suit for recovery of the outstanding dues in terms of provisions of section 24 (1) of the Indian Electricity Act, 1910 and section 56 (1) of the Indian Electricity Act, 2003 which the non-applicant did not do.

The applicant's representative has produced an extract of the local daily news paper "Lokmat Samachar" dated 13.11.2005 and drew our attention to the news item published there-in in respect of a ruling given by the Hon'ble High Court at Delhi. Relying on this ruling, the applicant's representative submitted before us that the new owner can not be held liable for payment of outstanding electricity bills of the previous owner.

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

- 1) His application dated 22.11.2005 addressed to the Internal Grievance Redressal Unit.
- 2) Acknowledgement dated 22.03.2005 of the non-applicant showing receipt of application for a new connection from one Shri Sanjay G. Borikar, Bajajnagar, Nagpur.

- 3) The applicant's complaint application dated 14.11.2005 filed by him before the Internal Grievance Redressal Unit raising his present grievance.
- 4) Applicant's application dated 01.06.2005 addressed to the Dy. Exe. Engineer In-charge of Shankarnagar S/stn. of MSEDCL, Nagpur disputing the past unpaid arrear amount of Rs.38,738.54/-.
- 5) Applicant's application dated 18.03.2005 addressed to the Dy. E.E. Shankarnagar S/stn. requesting for release of two additional connections.
- 6) Applicant's application dated 16.02.2005 addressed to the Dy. E.E. MSEB, Shankarnagar, Nagpur again on the similar subject.
- 7) Letter, being letter number 3591 dated 27.10.2005, addressed to the applicant by the Executive Engineer (Adm), NUC, MSEDCL, Nagpur in response to the applicant's complaint dated 30.09.2005 informing him that the new connection sought for cannot be released without recovery of the previous unpaid arrear amount of Rs.38739/-.
- 8) Letter, being letter no. 419 dated 23.03.2005, addressed to the applicant by the Assistant Engineer, MSEB, Shankarnagar S/stn. informing him that the arrear amount of Rs.38739.54 should be paid at the earliest.
- 9) MSEB's No Dues Certificate dated 12.01.2001 issued in favour of the applicant.

- 10) Notice, being notice dated 20.09.2005, issued to the applicant by the S.E. NUC asking him to pay unpaid arrear amount of Rs.38739.54 within 15 days failing which power supply of his premises would be disconnected.

Relying on these documents, the applicant's representative vehemently argued that the non-applicant cannot withhold two new connections sought for in his premises and that the non-applicant be directed to release them without insisting upon payment of the past unpaid arrear amount in question.

It has been stated by the non-applicant in his parawise report that two new electricity connections have been sought by M/s. Pradeep Phosphates and another Shri Sanjay Borikar at the two premises rented out to them as tenants by the applicant who is the owner of these premises. These connections are sought in the month of March, 2005. There are as many as eight connections existing in the entire premises owned by the applicant. Apart from these 8 connection, 3 connections have been permanently disconnected in this premises.

One of the erst-while tenants of the applicant who was having consumer number 410010067280 did not pay the P.D. arrear amount of Rs.1294/-. This amount was cleared by the applicant and accordingly a "No Dues Certificate" was issued to him on 12.01.2000. One Shri Arvind Koyal having consumer No. 401100067271 was also a tenant of the applicant. This service connection is having outstanding P.D.

arrears of Rs.38389/-. The third connection was in the name of one Shri P.R. Stanley having consumer No. 410010067298 and P.D. arrears amount of Rs.363.71/- was outstanding against him who was also the tenant of the applicant.

According to the non-applicant, immediate intimation was given to the applicant to the effect that applications for new connections can be considered only if all the outstanding dues against the premises are cleared. He added that his action has already been confirmed by the Internal Grievance Redressal Unit.

The non-applicant relied upon Regulation 10.5 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred to as the Supply Code Regulations. He vehemently contended that under this Regulation, it is obligatory on the part of the consumer to clear the entire liability outstanding against the premises without which his request for new connection cannot be considered.

He assured that the electricity connection sought for will be released immediately after the outstanding liability is cleared subject to completion of formalities like payment of demand note of new connection, submission of test report etc.

He has produced copies of the replies given, to the applicant as well as a copy of a "No Dues Certificate" dated 12.01.2000 and notice dated 20.09.2005. He has also produced copies of the CPL in respect of tenant consumers Shri P.R. Stanley, Shri Arvind Koyal and the Owner-applicant Shri Raipure.

The non-applicant lastly prayed that the grievance application may be rejected.

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

In the instant case, the present applicant has come before us with a plea that two new electricity connections have not been released so far by the non-applicant. It is pertinent to note in this respect that the present applicant has not filed any application before the non-applicant under his signature for release of any electricity connection at his premises.

What is seen from the record and also admitted before us, in unequivocal terms by the applicant is that applications for release of new connections have been submitted by M/s. Pradeep Phosphate and Shri Sanjay Borikar under their respective signatures at their respective premises which are leased out to them as tenants by the present applicant who is the owner thereof. Hence, the present applicant has no locus-standi to make a grievance in respect of non-release of new electricity connections to persons other than the applicant. The applicant has no competence to come before us particularly when he himself did not make any application for release of new electricity connections. Hence, whatever may be his contentions, the fact remains that the present grievance application becomes mis-conceived and the same deserves to be disposed off as prima-fecia not tenable before us on the ground of non competence of the applicant.

In the result, the present grievance application stands disposed off accordingly.

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

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