

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

Case No. CGRF(NUZ)/178/2006

- Applicant : Shri Vinay Narayan Padwar
Legal heir of deceased
Shri Raju Narayan Padwar
At Khalasi Line, Shakti-Nala,
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Civil Lines Division, NUZ,
Nagpur.
- 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 03.02.2007)

The present grievance application has been filed
on 30.12.2006 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 unjust, improper & illegal transfer of arrear amount pertaining to a different consumer into his service connection account and also in respect of illegal disconnection of his power supply. The applicant has also demanded compensation towards his mental harassment etc.

The applicant had earlier made complaint on the same subject-matter of the grievance by filling his complaint application dated 23.03.2006 addressed to the Superintending Engineer, MSEDCL, NUC, Nagpur. He had also made similar written complaints on 09.11.2005 and 19.11.2005 addressed to the Executive Engineer, Civil Lines Division, NUC, MSEDCL, Nagpur. However, no remedy was provided to his grievance. Hence, the present grievance application. The intimation in the shape of complaint applications referred-to-above made to the non-applicant's officials is deemed to the intimation given to the Internal Grievance Redressal Cell in terms of the said Regulations.

The matter was heard by us on 03.02.2007.

The applicant's case was presented before this Forum by his nominated representative one Shri Suniel Jacob.

The contention of the applicant's representative is that the service connection, being connection no. 410012086591/2, is belonging to Late Shri Raju Narayan Padwar who is dead and now survived by his legal heir one Shri Vinay Narayan Padwar. The applicant has been paying

all his energy bills in respect of this service connection regularly and there were no arrears outstanding against this connection at any point of time. However, an arrear amount of Rs.37,300=86 which was P.D. arrear amount in respect of the applicant's tenant one Shri Shyamrao Daultrao Masram, service connection no. 410013299921/2, came to be transferred in the applicant's energy bill for October, 2005. According to him, such transfer of arrear amount which was pertaining to a different consumer is unjust, improper and illegal. He added that this amount ought to have been recovered from Shri Masram. He blamed the non-applicant for not recovering this arrear amount from Shri Masram and strongly contended that the non-applicant has miserably erred in allowing accumulation of energy bill arrear in respect of Shri Masram's service connection. He vehemently argued that the applicant has been wrongly held responsible for payment of the arrear amount in question.

He added that on the basis of his previous complaint, the arrear amount in question along with interest thereon totalling to Rs.41,236=91 was withdrawn from the applicant's energy bill in the billing months of April, July and September, 2006. However the applicant's power supply was disconnected on 26.12.2006 without serving any notice on him on a patently illegal ground of arrear amount pertaining to a different consumer. This, he said, was done as per the Superintending Engineer's letter addressed to the Executive Engineer, Civil Lines Division, MSEDCL, Nagpur.

He continued to submit that the applicant had objected to release of electricity connection to the tenant Shri

Masram in the past. However, the non-applicant did not take any cognizance of his objection at that time and released electricity connection to the tenant Shri Masram without obtaining the N.O.C. from the applicant-landlord. He has, therefore, termed the non-applicant's action of releasing the connection in the past as illegal.

He reiterated that the applicant's power supply came to be disconnected without any notice to him and thereby the applicant has been put to a lot of mental harassment. He added that the applicant and his family are living in dark for no fault of theirs. He has demanded compensation towards the mental harassment of the applicant.

He lastly prayed that the arrear amount in question may not be recovered from the applicant and further that the applicant's power supply be restored forthwith.

The non-applicant in his parawise report dated 15.01.2007 has stated that the P.D. arrear amount of Rs.37,300=86 was outstanding in the account of one Shri Shyamrao Daultrao Masram, service connection no. 410013299921/2 and it came to be transferred to the applicant's service connection account, being S.C. no. 41001286591/2, in the billing month of October, 2005. This amount was subsequently withdrawn from the applicant's account and the applicant was served with the current bills only from October, 2006 onwards. In that, recovery of amount of Rs.29,895=04 was withdrawn in the applicant's energy bill for April, 2006. Similarly, amount of Rs.6881=87 and Rs.4460/- were also withdrawn from recovery in the billing months of July, 2006 and September, 2006 respectively. Thus,

a total amount of Rs. 41,236=91 came to be withdrawn from recovery from the applicant's account. However, the Superintending Engineer, NUC, MSEDCL, Nagpur instructed the Executive Engineer, Civil Lines Division, Nagpur by his confidential letter dated 11.12.2006 to recover the arrear amount in question and as such, the arrear amount in question was put to recovery against the applicant's service connection again. The applicant's power supply was also disconnected on 26.12.2006 because of non-payment of the arrear amount. The Nodal Officer's representative, during the course of hearing, admitted that no prior notice was given to the applicant before disconnecting his power supply. According to him, the entire action has been taken as per the S.E.'s instructions.

It is a matter of record that there are two different service connections pertaining to two different consumers in the present case. The service connection, being S.C. No. 410012086591, is meant for the applicant while the service connection, being S.C. No. 41001329921, which has since been permanently disconnected way back in 2001 was meant for a different consumer namely Shri Shyamrao Daultrao Masram who was the tenant of the applicant. It is also a fact evidenced by record that an arrear amount of Rs.37301=51 came to be transferred into the applicant's service connection account in October, 2005. The arrear amount in question along with interest there on continued to be shown as recoverable from the applicant till March, 2006 when the applicant's net bill amount had swollen to Rs. 40,382=75. Suddenly, in the succeeding energy bill, amount of Rs.10,671/- was reduced and

finally, it was reduced to Rs.451=04 in October, 2006. The applicant's CPL is showing deletion of quantum of the arrear amount & interest thereon in the billing months of April, July & September, 2006. This is also admitted by the non-applicant. The arrear amount in question along with interest thereon was thus deleted from the applicant's account since the non-applicant was satisfied that the applicant was not liable for payment of the arrear amount in question. It is a different consumer namely Shri Masram who is totally responsible for accumulation of the arrear amount in question into his account. It is also a matter of record that the service connection of Shri Masram was made P.D. in 2001. No steps seem to have been taken by the non-applicant's officials for recovering the said P.D. arrear amount from Shri Masram after his power supply was permanently disconnected way back in the year 2001.

In the Superintending Engineer's letter dated 11.12.2006 referred-to-by the Nodal Officer in his parawise report, it has been directed that necessary action should be taken against the P.D. consumers who are using power supply illegally. The Superintending Engineer had sent list of such P.D. consumers to the Civil Lines Division of MSEDCL, Nagpur. It is noticed that the name of the present applicant is appearing at Sr. No. 33 in this list. When asked pointedly during the course of hearing, the Nodal Officer's representative categorically admitted that the applicant was / is not using power supply in the premises in question. He in fact also admitted that there is no supply of electricity in the said premises since the date of its permanent disconnection.

He further stated that action of recovering the arrear amount in question from the applicant is taken only on the ground that the P.D. arrear amount was outstanding against the premises and not on the ground of using supply illegally.

We hold that the applicant can not be held responsible for payment of the arrear amount in question which was never his liability. This view also finds support in the legal provision contained in Section 56 of the Electricity Act, 2003.

It is quite surprising that instead of recovering this amount from Shri Masram who is already sanctioned another live connection in Gopalnagar area in Nagpur, the non-applicant has erroneously chosen in violation of Section 56 aforesaid to pursue recovery of the arrear amount in question from the present applicant who is infact not at all responsible for payment thereof. No legal provision is quoted by the non-applicant enabling him to recover the arrear amount from the applicant.

The documents filed by the non-applicant, during the course of hearing, indicate that a notice was issued to Shri Shyamrao Daultrao Masram at his Gopalnagar, Nagpur address by the Executive Engineer, Civil Lines Division, NUZ, MSEDCL, Nagpur on 02.12.2005 asking him to make payment of the arrear amount of Rs. 37,300/- outstanding against his previous service connection. It has also been stated in this notice that if Shri Masram fails to make payment of the arrear amount in question within 15 days, legal action would be taken against him.

We are of the view that the non-applicant ought to have recovered this amount much earlier from Shri Masram and also that the applicant, in no way, can be held responsible for payment of this amount which was not his baby.

In view of above, the contentions raised by the applicant's representative deserve to be accepted.

A point was raised by the applicant's representative that the non-applicant released electricity connection to Shri Masram illegally without insisting upon No Objection Certificate from the applicant-landlord.

This contention is not acceptable to us for the reason that electricity connection to the tenant Shri Masram came to be released on the basis of Civil Court's order dated 25.04.1994 which is on record.

However, the fact remains that the arrear amount in question cannot be recovered from the present applicant.

The applicant's representative has demanded compensation towards applicant's mental harassment. He has, however, not quantified the amount of compensation. He submitted an application on 03.02.2007 during the course of hearing stating that the applicant's daughter has fallen sick since last about one month because of no power supply at his residence. She has been admitted in a hospital four days back. The applicant has also slipped in dark and sustained injuries. All this has happened because of illegal disconnection of his power supply. He has prayed that the applicant should be compensated for this loss and harassment. The applicant however, did not produce any evidence to substantiate the specific happenings quoted by him in his application. In this

respect, it is admitted by the non-applicant during the course of hearing that 15 clear days' notice was not issued to the present applicant before disconnecting his power supply. Such a notice before disconnecting any consumer's power supply is mandatory in terms of section 56 (1) of the Electricity Act, 2003 excepting the cases of theft of electricity. Thus, it is proved that no prior notice was served upon the applicant before disconnecting his power supply. The applicant's contention that his power supply came to be disconnected illegally without any notice and for no fault of his, and further that he had to suffer hardships deserves to be accepted since it is well justified.

In view of above, we award compensation of Rs.1000/- (One Thousand only) to the applicant.

We specifically direct the non-applicant to restore the applicant power supply forthwith and within twelve hours in any case free of charge.

We also direct the non-applicant not to recover the arrear amount in question from the applicant.

In the result, the applicant's grievance application is allowed and it stands disposed off in terms of this order.

This order is issued without prejudice to the non-applicant's civil right to recover the arrear amount.

The non-applicant shall report compliance of this order to this Forum on or before 28.02.2007.

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.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR**