

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

Case No. CGRF(NUZ)/088/2006

Applicant : Shri Sanjay Ganpatraoji Bokde,
Bangali Panja, Chand Mohalla
Maskasath, Itwari,
Nagpur.

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

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

2) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal Forum,
NUZ, MSEDCL, Nagpur.

ORDER (Passed on 19.01.2006)

The present grievance application has been filed on 03.01.2006 in the prescribed Annexure "A" by the present applicant 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 wrongful charging of energy bills pertaining to a consumer

who was never a resident of the applicant's house in the past and also in respect of non-release of new electricity connections sought for by him.

Before approaching this Forum, the applicant had filed his complaint on 26.10.2005 before the Internal Grievance Redressal Unit as per Regulation 6.3 of the said Regulations raising therein the present grievance. The Unit, in turn, replied the applicant by its letter, being letter no.300 dated 29.12.2005, that there were three I.P. electricity connections in the applicant's premises having total P.D. arrear amount of Rs. 34,438/- outstanding against his house and that new connections sought for by the applicant would be released only after the applicant pays this amount. The applicant was not satisfied with this reply and hence, he filed the present grievance application.

The matter was heard by us on 18.01.2006.

A copy of report dated 16.01.2006 containing the non-applicant's parawise comments on the applicant's grievance application was given to the applicant on 16.01.2006 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that he had applied to the non-applicant for releasing three new connections. However, his application has been held up on the ground that P.D. arrears amounting to Rs. 34,438/- are outstanding against his premises. It is his say that the premises in question were purchased by the applicant's grand father way back in the year 1960 and further that one Shri

Hotchand S. Gyanani against whom P.D. arrear amount of Rs. 10,225/- is shown to be outstanding by the non-applicant was never the occupant of the applicant's premises. He strongly contended that the non-applicant has erred in holding that Shri Hotchand Gyanani was a resident in the past of the applicant's house.

According to him, the P.D. arrear amount of Rs.10,225/- shown to be outstanding against his premises pertaining to consumer M/s. Hotchand S. Gyanani is misconceived and that the same is not at all in any way connected with his premises.

The applicant further stated that the P.D. arrear amount of Rs.13,988/- and Rs. 10,225/- shown to be outstanding against M/s. Raza Decorators respectively in A/c No. 41001275995/2 and A/c No. 410014250542/2 are acceptable to him and that he is prepared to pay these amounts.

His only limited complaint is about the P.D. arrear amount of Rs.10,225/- shown to be outstanding by the non-applicant against his premises pertaining to consumer M/s. Hotchand S. Gyanani, A/c No. 41001425054/2.

He lastly prayed that the non-applicant be directed to release the new connections as sought for by him upon payment by him of P.D. arrear amount of Rs.10,225/- only.

The non-applicant has stated in his parawise report that the applicant has applied for three I.P. connections in his premises. On verification of the old P.D. record, he found

that P.D. arrears alongwith interest as mentioned below were outstanding against the applicant's premises.

- 1) M/s. Raza Decorators A/c no. 410012759995 / 2
Rs.13,987=62.
- 2) M/s. Raza Decorators A/c No. 410014250542/ 2
Rs.12,871=66.
- 3) M/s. Hotchand S. Gyanani, A/c No. 410014250 / 2
Rs.40,664=37.

He reviewed the matter again and finalized the P.D. arrear amounts at Rs.13,988/-, Rs. 10,225/- and Rs. 10,225/- respectively against the aforementioned three consumers who were the occupants of the applicant's premises.

Accordingly, he asked the applicant to make payment of these arrear amounts. However, the applicant is accepting the liability of payment of two accounts pertaining to M/s. Raza Decorators and he is denying payment pertaining to P.D. connection of Shri Hotchand Gyanani.

He added that all the above three consumers were having the same sequence in MR cycle in route 21-8316-0080, 0091 and 0091 respectively. He further submitted that the applicant is having a double storied building with 4 to 5 shops and one residential block on the ground floor and two residential blocks on the first floor. Mr. Hotchand Gyanani was having electricity connection in the applicant's premises for residential purposes. The meter of Shri Gyanani remained on the spot upto 28.08.1999 and was removed from the spot by his staff.

The non-applicant, during the course of arguments, relied upon Regulation 10.5 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 here-in-after referred-to-as the Supply Code Regulations and strongly contended that as per this Regulation the applicant is liable to pay the outstanding P.D. arrear amount mentioned above.

He has produced copies of CPLs pertaining to M/s. Raza Decorators, consumer No. 410014250542 and consumer No. 410012759995, and the consumer Shri Hotchand Gyanani, consumer No. 410014250488.

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

We have carefully gone through all the documents produced on record and all submissions, written and oral, made before us by both the parties.

In the present case, the applicant has voluntarily accepted liability to pay the P.D. arrear amounts outstanding against M/s. Raza Decorators in respect of the applicant's premises.

The only question is about payment by him of P.D. arrear amount of Rs.10,225/- outstanding against the applicant's premises in the name of consumer M/s. Hotchand S. Gyanani.

The applicant's claim is that Shri Hotchand Gyanani never resided in his house. According to him, the non-applicant has erred in showing this amount outstanding against the applicant's premises. He has, therefore, contended

that he is not liable to pay this outstanding amount of Rs.10,225/-.

The non-applicant's say is that the applicant is very much liable to pay this amount since Shri Hotchand Gyanani was an occupant of the applicant's premises in the past and that the amount of Rs. 10,225/- outstanding against his premises will have to be paid by the applicant.

It is pertinent to note that the CPLs produced by the non-applicant are showing different addresses in respect of consumers M/s. Raza Decorators and Shri Hotchand S. Gyanani. In that, the address of consumer M/s. Raza Decorators, consumer no. 410014250542 and No. 410012759995 is shown as Chand Mohalla, Bangali Panja, Maskasath, Itwari, Nagpur with pole No. 2/1316 while the address of consumer Shri Hotchand S. Gyanani consumer No. 410014250488 is shown as Central Bank Galli, Maskasath, Itwari, Nagpur with pole No. I / 934. To a query from us, the non-applicant was not able to explain satisfactorily as to how his claim is justified looking to the different addresses having been recorded in these CPLs in respect of these two consumers.

No satisfactory explanation has been offered by the non-applicant to prove beyond doubt that Shri Hotchand S. Gyanani was the occupant of the applicant's premises in the past.

The non-applicant's contention is that because the route sequence 8316-0091 is the same in respect of consumers M/s. Raza Decorator's and Shri Hotchand Gyanani, he

concluded that Shri Gyanani was the resident of the applicant's premises. However, we hold that it is always not necessary that consumers connected to the same route-sequence are the occupants of one and the same premises. There could be different & independent premises connected with the same route sequence. Moreover, in the present case different pole numbers are indicated in the CPLs of consumers Raza Decorators and Hotchand Gyanani.

The non-applicant was not able to prove that Shri Gyanani was residing in the applicant's premises in the past. No cogent and corroborative proof is submitted by him to fully substantiate his claim that Shri Gyanani was the occupant of the applicant's premises in the past.

In view of above, we are inclined to hold and do hold accordingly that Shri Gyanani was not proved to be the occupant of the applicant's premises in the past. It, therefore, follows that the P.D. arrear amount of Rs. 10,225/- shown outstanding against the applicant's premises pertaining to consumer Shri Hotchand S. Gyanani can not be recovered from the applicant. The applicant is not liable to pay this P.D. arrear amount.

In the result, we accept the applicant's grievance application and direct the non-applicant that he shall release new electricity connections sought for by the applicant without insisting upon him to pay the afore-mentioned amount of Rs. 10,225/- subject to the applicant completing other formalities like payment of other two outstanding amounts, the demand note amount, submission of test report etc.

The applicant has already shown his willingness to pay the other P.D. arrear amounts outstanding against his premises in respect of M/s. Raza Decorators.

We further direct the non-applicant to report compliance of this Order to this Forum on or before 31.01.2006.

Sd/-
(M.S. Shrisat)
Member-Secretary

Sd/-
(S.D. Jahagirdar)
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.**