

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

Case No. CGRF(NZ)/52/2016

Applicant : Shri Vijay K. Chug
176, East Wardhaman Nagar,
Bhandara Rd., Nagpur-08.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F.) NUC, MSEDCL,
NAGPUR.

Applicant :- In person.

Respondent by 1) Shri Gotmare, EE, Nodal Office
2) Shri Larokar, Nodal Office.
3) Shri Dahasahastra, SNDL Nagpur.

Quorum Present : 1) Mrs. V.N.Parihar,
Member, Secretary
& I/C.Chairman.

2) Shri N.V.Bansod,
Member

ORDER PASSED ON 18.05.2016.

1. The applicant filed present grievance application before this Forum on 13.04.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 26.04.2016.
3. Forum heard arguments of both the sides and perused record.

4. According to the applicant, at present the applicant is residing at plot No.176, East Wardhaman Nagar, Bhandara Road, Nagpur-440008, along with his father, who is the owner of the said premises. On getting NOC from his father, the applicant filed this application vide C.No.4971578090 for separate new electricity connection for his residence in the same premises. But his application is rejected by SNDL for nonpayment of outstanding arrears of old P.D. consumers bearing no.410012761680 and no.410011834187 of the same premises for Rs.11660/- and Rs.530/- respectively.

5. Aggrieved by this rejection, the Applicant filed grievance before IGRC on dated 11-04-2016 stating that he has no responsibility towards P.D. arrears even though the P.D. connections are in the same premises where he sought the new connection. and requested for release of new connection.

6. The IGRC passed order on dated 12-04-2016 and held that as per Regulation 10.5 of MERC's Supply Code Regulations 2005, since the applicant wants connection in the same premises, the applicant has to pay the outstanding dues of P.D. consumer's of the same premises, limited to six months along with current billed amount prior to the month of P.D. Accordingly, on payment of total dues of Rs.9080/- towards P.D. arrears of both the old connections, the applicant's application shall be processed for giving new electricity connection.

7. During the hearing, according to the applicant, he is ready to pay outstanding arrears of Rs.530/- as the old P.D. connection bearing consumer no.410011834187 was in the name of their tenant residing in the same premises. But he argued that another old P.D. connection bearing consumer No.410012761680 was in the name of his brother Shri Satish Kanhaiyalal Chug. .As there was no such agreement executed between them for sharing the responsibility of unpaid arrears of his deceased brothers' old connection, he refrain from sharing the responsibility of outstanding arrears of his brother's PD connection as per IGRC order.

6. On verification of CPL record of Shri Satish Kanhaiyalal Chug, deceased brother of the applicant having consumer no.410012761680,

it is seen that, till March-2007 bill amount of Rs.12184.34 was remained unpaid, for which supply is subsequently permanently disconnected for nonpayment.

7. *In this matter the owner of premises is the applicant's father and P.D. deceased consumer was related to applicant as a brother. The applicant is residing in the same premises along with his father and his deceased brother's family members till today and availing electricity supply through existing electricity connection. Now the applicant wants new connection in the same premises due to separation of his family ties. The father of the applicant has given the NOC for the said new electricity connection in the same premises.*

As per provisions in the Regulation 10.5 which reads as under:

“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.”

Forum held the opinion that, any outstanding arrears are charge on the premises, and not on the person, being a close family member, the applicant therefore has to bear liability of arrears towards both the P.D. consumers of the same premises i.e.no. 410012761680 & no.410011834187 .Therefore the order passed by IGRC is legal and proper and needs no interference. Grievance application is deserved to be dismissed.

6. Hence the following order.

ORDER

- 1) Grievance application is dismissed.
- 2) Applicant shall pay amount of P.D. arrears as per IGRC's order and after payment of such P.D. arrears, SNDL shall release the new connection in the name of applicant as per Rules & Regulations.
- 3) No order as to cost.

Sd/-
(Shri.N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar),
MEMBER/SECRETARY
& I/C. CHAIRMAN