

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

Case No. CGRF(NUZ)/089/2006

Applicant : Shri Nandlal Chhotelal Arkhel,
Plot No. 401, Ganesh Nagar,
Azamshah Layout,
NAGPUR-440 009.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Mahal 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 25.01.2006)

The present grievance application has been filed on 06.01.2006 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 new electricity connection to the applicant.

The facts of the case, in brief, are as under :

The applicant had applied on 09.11.2005 for release of a new electricity connection for his premises for domestic use.

It was observed during enquiry conducted by the non-applicant's Officer that an arrear amount of Rs.19,370=15 was outstanding against the applicant's premises in the name of consumer Smt. Kusum Ram Berisal, consumer no. 410011573189. This consumer's supply of electricity was permanently disconnected on 30.01.2004 because of non-payment of electricity dues. The Superintending Engineer, Nagpur Urban Circle, MSEDCL, Nagpur informed the applicant by his letter, being letter no. 311 dated 16.01.2006, that the applicant's request for releasing a new electricity connection would be considered after he makes payment of the outstanding arrear amount of Rs.19,370=15.

The applicant is aggrieved by the non-applicant's action of withholding his connection and hence filed the present grievance application.

The matter was heard by us on 23.01.2006.

The applicant's case is presented before us by his nominated representative Shri Subhash Nandlal Arkhel.

Documents produced on record by both the parties are perused & examined by us.

A copy of the non-applicant's parawise report dated 21.01.2006 on the applicant's grievance application was given to the applicant's representative on 23.01.2006 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's nominated representative that the applicant had applied to the non-applicant on 09.11.2005 for releasing a new domestic electricity connection and that a demand note was also sanctioned. However, his connection has been withheld on the ground that arrear amount of Rs.19,370=15 is outstanding against the applicant's premises in respect of consumer Smt. Kusum Berisal. It is his say that the applicant had purchased the premises in question on 03.12.1996 by a registered sale-deed and since then the applicant is legally possessing the premises. Smt. Kusum Berisal was in possession of a rear portion of the applicant's plot and that her possession was not legal. The applicant's representative has denied responsibility of payment of the arrear amount in question on the ground that the applicant has never stayed in the premises though he purchased the property way back in the year 1996.

He added that the applicant is not liable to pay this outstanding amount and that the connection sought for by him should be released without insisting upon the applicant to make payment of this arrear amount.

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

- 1) Application dated 13.12.2004 addressed to the Executive Engineer, Mahal Division, MSEDCL, Nagpur by consumer Smt. Kusum Mulchand Berisal in respect of revision of her

energy bill pertaining to P.D. connection and in respect of restoration of power supply to her.

- 2) A letter, being letter no. 77 dated 10.02.2005, addressed to the Executive Engineer, Mahal Division, MSEDCL, Nagpur by the Assistant Engineer, Nandanwan S/Dn., Nagpur in respect of withdrawal of fictitious arrear amount in respect of consumer Smt. K.M. Berisal.
- 3) Energy bill dated 07.06.2003 for Rs.18,620/- for 372 units in respect of consumer Smt. K.M. Berisal.
- 4) Nagpur Municipal Corporation's receipt dated 15.10.2004 for Rs.266/- towards payment of property tax by the present applicant.
- 5) Sale-Deed dated 03.12.1996 for Rs. 6000/- of the property purchased by the applicant.
- 6) A letter, being letter no. 311 dated 16.01.2006 addressed to the applicant by the Superintending Engineer, NUC, MSEDCL, Nagpur informing him to pay the arrear amount of Rs.19,370=15 outstanding against his premises.

He lastly prayed that his grievance in question may be removed.

The non-applicant has stated in his parawise report that the applicant had applied for a new service connection at his premises. It was observed at the time of inspection of the applicant's premises that there was one old connection in the name of one Smt. Kusum M. Berisal, consumer no. 410011573189/3 and that arrear amount of Rs. 27,528=86 was outstanding against her as per the CPL. The consumer

Smt. K.M. Berisal was disconnected on 30.01.2004 for non-payment of the arrear amount. After the applicant approached the Assistant Engineer, Nandanwan S/Dn. for settling the arrear bill, an amount of Rs.8158=71 was withdrawn and the net arrear amount payable was worked out at Rs. 19,370=15.

He added that the Superintending Engineer, NUC, Nagpur has rightly informed the applicant accordingly on 16.01.2006.

According to him, the present applicant gave the application of the erstwhile consumer Smt. Kusum M. Berisal on 13.12.2004 about revision of the permanent disconnection bill and as such the fact that Smt. Berisal occupied the applicant's premises stands established.

He further contended that the applicant has filed an affidavit agreeing to pay the arrear outstanding against the premises in question.

The non-applicant has produced copies of the following documents in support of his contentions.

- 1) A report dated 23.11.2005 of the non-applicant's staff mentioning that P.D. arrear amount was outstanding against the applicant's premises.
- 2) The Jr. Engineer, Umred Road D/C, Mahal Division, Nagpur's letter no. 64 dated 15.11.2005 addressed to the applicant informing him that he should pay the arrear amount outstanding against these premises and that his request for new connection would be processed only upon payment of the arrear amount.

- 3) The calculation sheet prepared by the Divisional Accountant, Mahal Division, MSEDCL, Nagpur in respect of arrear amount of Rs. 19,370=15.
- 4) The CPL in respect of consumer Smt. Kusum M. Berisal, consumer no. 410011573189 from October, 1999 to November, 2005.

He lastly prayed that the applicant's request may not be considered unless he pays the arrear amount in question.

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

The present applicant has purchased the premises namely plot No. 401 on 03.12.1996 by a registered sale-deed from the Gandhi Gram Co-op. Society, Nagpur but he was not staying in these premises. As per sale-deed, he purchased plot No. 401 admeasuring 1500 Sq.ft. along with a constructed house admeasuring 660 Sq.ft The applicant's representative has stated before us that the applicant now wants to construct a new house in this plot by demolishing the old construction and for this purpose he has approached the non-applicant for a new service connection.

The only point that needs to be decided in this case is whether consumer Smt. Kusum M. Berisal occupied the constructed portion in this plot and if so, whether the present applicant is liable to pay the arrear amount of Rs. 19,370=15, which was outstanding against the applicant's premises in respect of consumer Smt. Berisal who was permanently disconnected on 30.01.2004 for non-payment of electricity dues.

It is pertinent to note that the applicant's representative made a submission before us that the applicant broke open the lock of the house occupied by Smt. Kusum Berisal and collected from the house her application dated 13.12.2004 bearing signature of Smt. Berisal and also some old energy bills. He also stated that Smt. Berisal was allowed to stay in the premises since she was belonging to the applicant's community. This action of the applicant goes to prove that Smt. Berisal was occupying the applicant's premises. The record also shows that Smt. Berisal's electricity connection was sanctioned in the year 1993 and it was permanently connected on 30.01.2004.

The fact also remains that an arrear amount of Rs. 19,370=15 was outstanding against the consumer Smt. Berisal.

No cogent and corroborating proof is submitted by the applicant to prove that the consumer Smt. K.M. Berisal was not occupying the applicant's plot. On the contrary, the circumstantial evidence proves that Smt. Berisal occupied the applicant's premises in the past. In what capacity Smt. Berisal was occupying the applicant's premises is not forthcoming.

We are, therefore, fully convinced that the liability of unpaid charges of Rs.19,370=15 in question will have to be cleared by the applicant before a new connection is released by the non-applicant to him as per Regulation 10.5 of the MERC (Electricity Supply Code and other Conditions of Supply) Regulations, 2005.

The Superintending Engineer, NUC, MSEDCL, Nagpur has rightly informed the applicant to pay the arrear amount in question.

In view of above, the applicant's grievance application stands rejected.

The non-applicant may consider the applicant's request for a new domestic connection after he pays the arrear amount in question as per rules of the non-applicant company.

The grievance application stands disposed off accordingly.

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