

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

Case No. CGRF (NUZ)/007/2005

Applicant : 1) Shri Pramod Y. Gotmare
2) Smt. Ranjana P. Gotmare
79, New Subhedar Layout,
Near Mahalle Hospital,
Nagpur.

Non-Applicant : Executive Engineer,
Mahal Division, (NUZ), MSEB.,
Nagpur.

Quorum Present : 1) Shri S.D.Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.
2) Smt. Gouri Chandrayan,
Member, Consumer Grievance
Redressal Forum,
Nagpur Urban Zone, Nagpur.

ORDER (Passed on 31.03.2005)

The present application is filed before this Forum by the applicants as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 hereinafter referred-to-as the said Regulations. The application in the prescribed schedule "A" has been filed before this Forum on 25.02.2005.

Following are the grievances of the applicants.

- 1) The applicants purchased a house, being house number 6464, in Plot No. 79 in New Subhedar Layout, Nagpur on 09.10.2002 from one Shri Vithal Bhiwaji Manke by a registered sale deed. Hence the applicants' names be recorded as consumer in place of Shri Manke in respect of the electricity meter, being meter number 444739, which was installed in the aforesaid house.
- 2) The PC route of MSEB may be changed from PC 2 to PC 1 meant for New Subhedar Layout.
- 3) The non-applicant illegally disconnected the power supply of the applicants on 07.12.2004 and since then the applicant's, family is forced to live in his house in darkness. Hence, the electricity supply be restored with immediate effect.
- 4) The applicants be provided with all the details of upto-date electricity bills that have remained to be paid by the earst-while owner of the house which the applicants are ready to pay. The amount of interest levied on the outstanding amount be waived.
- 5) The applicants may be awarded a compensation of Rs. 4,90,000/- since avoidable hardship is caused to them.
- 6) The MSEB officials responsible for causing the avoidable hardship to the applicants be punished.

The matter was heard by us on 18.03.2005 when both the parties were present. Both of them were heard.

After receipt of the grievance application from the applicants, the non-applicant was asked to furnish parawise remarks on the applicants' application in terms of Regulations No. 6.7 & 6.8 of the said Regulations. The non-applicant, accordingly, submitted to this Forum his parawise remarks on 18.03.2005. A copy thereof was given to the applicant No. 1 who also represents applicant No. 2 and opportunity was given to him to offer his say on this parawise report also.

The applicants have contended that they purchased the house, being House number 6464, alongwith Plot No. 79 in which this house is constructed from one Shri Vithal Biwaji Manke on 09.10.2002 by a registered sale-deed. The applicants had approached the then Junior Engineer one Shri Lande and requested him to give the electricity bills of the electricity meter in question. Despite this position, the applicants did not get any electricity bill. It is the contention of the applicant No. 1 that he met the Jr. Engineer Shri Lande several times and repeatedly requested him for providing him the electricity bills but every time the Jr. Engineer told him that it would take time to issue the bill because of the PC route problem. The applicants were not given the outstanding electricity bills. Thereupon, they filed a written application, being application dated 27.09.2004, addressed to the Junior Engineer, New Subhedar Layout,

MSEB Office, Nagpur which was duly received by the Jr. Engineer. A copy of this application is produced by the applicants and it is available among the case papers. The applicants in their application have stated that the house number 6464 in Plot No. 79 was purchased by them through a registered sale-deed on 09.10.2002, that the applicants' names are already recorded as owner of this house in the records of the Nagpur Municipal Corporation and also City Survey Record, and that the electricity meter, being meter number 444739, installed in this house be recorded in the name of the applicants and further that the electricity bills payable may be supplied to them. It has also been stated by the applicants in this application that no electricity bills are sent even in the name of earst-while owner of the house. The applicant No. 1 has vehemently contended before us that despite this position, he was not given any electricity bill though repeatedly asked for and that their electricity supply was disconnected by the non-applicant without any prior intimation or prior notice to the applicants on 07.12.2004. It is his say that the non-applicant and his sub-ordinate Officers had deliberately put the applicants in a great hardship and forced them to live in the dark at his house. He has further contended that the electricity meter installed in the house was also removed and taken away by the non-applicant's officers. It is further stated by the applicant No. 1 that the applicants are thus humiliated by the non-applicant and by their sub-ordinate Officers. It is requested by him that all his grievances mentioned above may be sorted out.

He has also demanded compensation of Rs. 4,90,000/-. In respect of change of PC route, the say of the applicants is that no satisfactory reply was ever given to him by any of the MSEB officials. According to him, allotment of an appropriate PC route is squarely the job of MSEB. However, no attention was paid by anybody in respect of this grievance.

He further stated that he did make a complaint to the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) under the said Regulations on 15.12.2004 but no remedy was provided to him by this Unit within the two months' prescribed period.

He has lastly prayed that following relief may be granted to the applicants.

- 1) The names of the applicants be entered as consumer in the MSEB record in place of the previous owner of the house Shri Vithal Biwaji Manke.
- 2) The non-applicant be directed to issue the pending electricity bills in respect of meter No. 444739 without inclusion of any amount of interest so as to enable the applicants to pay the bill amounts.
- 3) The electricity supply may be restored to the house forthwith without subjecting the applicants to pay for the reconnection charges.
- 4) The PC-route may be changed from PC 2 to PC 1 meant for the New Subheddar Layout.

- 5) A compensation of Rs. 4,90,000/- may be awarded to the applicants.
- 6) The guilty MSEB Officials responsible for causing harassment and hard-ship to the applicants be appropriately punished.

The non-applicant has stated in his parawise report dated 14.03.2005 that the electricity supply to the house number 6464 was temporarily disconnected in December-2004 since the consumer Shri Vithal Bhiwaji Manke had failed to pay the electricity bills issued to him. According to the non-applicant, the consumer Shri Manke has paid only Rs. 1000/- on 14.11.2002 and thereafter he did not pay any amount of electricity charges. A part bill of Rs. 7000/- was also issued to Shri Manke but this amount was also not paid by him. He added that the names of the applicants do not appear as consumer in the MSEB record, that the MSEB records still show the name of Shri Vithal Bhiwaji Manke as a consumer and that the applicants did not file Forms X and Y for the purpose of getting their names recorded as a consumer in place of Shri Vithal Bhiwaji Manke and hence the applicants have no locus-standi as a consumer. The total arrear amount payable in respect of the electricity meter in question is Rs. 12,073.96 including interest upto October-2004. The consumer namely Shri Manke never turned up to the non-applicant or his sub-ordinate Officers and never asked for details of the amount of electricity bill payable

by him. This situation compelled him to disconnect the electricity power supply provided to the house. According to him, if the said arrear amount is cleared by the applicants, the electricity connection can be restored after payment of requisite charges for reconnection. The non-applicant also stated that the applicants may be asked to file forms X, Y meant for change of name so that their names could be recorded as consumer in place of the previous owner Shri V.B. Manke.

We have carefully gone through the entire record of the case, the documents produced by both the parties and also the contentions made before us by both of them.

The record clearly shows that the applicants did file their application, being application dated 27.09.04, to the Jr. Engineer concerned. Mere perusal of the text of the application clearly reveals that the applicants did approach the MSEB officials for the purpose of recording their names as consumer in place of the earst-while owner of the house. The applicants in this application had also asked for details of the electricity bill that remained to be paid by the previous owner. This clearly shows that the applicants have taken all necessary steps to procure the electricity bill payable in the respect of the meter number 444739. However, no attention, what-so-ever, was paid to this application and ultimately the applicants' power supply was disconnected that too without giving them any prior notice. The Jr. Engineer to whom this

application dated 27.09.2004 was addressed by the applicants ought to have asked the applicants to immediately file the requisite form X and Y for change of name as a consumer. However, evidently this was not done by him and also by the non-applicant. The applicants were repeatedly pursuing the concerned officials of MSEB for letting them know the details of electricity charges remained to be paid by the earst-while owner. However, their efforts bore no fruits. The MSEB officials gave evasive replies to the applicant No. 1 whenever he approached them. The applicant No. 1 was not meted out with a respectable behavior by the concerned MSEB officials. The non-applicant has stated that the name of earst-while Shri Manke was appearing in MSEB record as a consumer and the present applicants have no locus-standi and that the electricity power supply was disconnected because of non-payment of the arrear of electricity bills. The extreme action of power disconnection could have been avoided by the non-applicant and / or by his sub-ordinate Officers. The non-applicant could have swung into action pursuant to the applicants' application dated 27.09.2004. Obviously the non-applicant and his sub-ordinate Officers have utterly failed in the discharge of their boundant duty of getting the name of the applicant recorded as a consumer in place of the previous consumer Shri Manke. The formality of getting the prescribed forms X and Y from the applicants could have been completed by the non-applicant or his officers

immediately after 27.09.2004 and much before the date 07.12.2004 when the electricity power supply of the applicants was disconnected harshly. The applicant No. 1 has contended that no prior notice of disconnection of power supply in default of payment was served on the applicants. Section 56 (1) of the Electricity Act, 2003 clearly stipulates that the Distribution Licensee may, after giving not less than 15 clear days' notice in writing, may disconnect the power supply. In the instant case, the non-applicant has not produced any evidence to show that such a 15 clear days' notice was given. The abrupt and uncalled for action of power disconnection to the applicants' house has, indeed, caused a great hardship to the applicants. We are, therefore, convinced that the applicants' grievance is quite genuine.

The contention of the applicants that the Internal Grievance Redressal Unit failed to provide remedy to his grievance is also found to be correct. It is regrettably noted by us that the Unit showed complete apathy towards the applicants' grievances. This Unit, according to us, is also responsible for forcing the applicant's family to continue to live in dark in their house in as much as this Unit turned a blind eye towards the applicants' genuine grievances.

The record shows that the applicants had filed on 07.02.2005 a complaint, being complaint No. 37/05, under

section 12 of the Consumer Protection Act before the District Consumer Disputes Redressal Forum, Nagpur hereinafter referred-to-as the District Forum. This complaint application is disposed of on 28.02.2005 by the District Forum. In the order dated 28.02.2005 passed by the District Forum, it has been mentioned that the applicants have approached this Forum for redressal of their grievance as per the said Regulations and hence the interim application filed by the complainant as well as the complaint filed by them are accordingly disposed of. The Applicant No. 1 has produced a copy of the order passed by the District Forum. It is pertinent to note that the District Forum has held the present applicants as consumer as defined in section 2 (15) of the Electricity Act, 2003.

In the light of above discussion, we do hold that the contentions raised by the non-applicant are not convincing. No doubt that the applicants have to pay the arrear of electricity charges but they can not be subjected to pay interest on the arrear bills in view of the non action on the part of non-applicant in the context of the applicants' application dated 27.09.2004. The applicants cannot also be asked to pay for the re-connection charges for restoring the electricity supply to his house. The non-applicant has admitted that the route problem was there and it has been sorted out by him effective from December

2004. The PC route is now changed from PC route 2 to PC route 1. This shows that the applicants' grievance in respect of the PC route was also genuine and correct. We are also of the view that the electricity power supply to the applicants' house should be restored forthwith. Since the applicants are supposed to pay the arrear amount of Rs. 12,074/- minus the amount of interest, it will be justified to grant three installments to them for payment of this amount.

In the light of above, we pass the following order.

- 1) The electricity power supply to the applicants' house shall be restored forthwith by the non-applicant. The applicant shall not be required to pay for any reconnection charges.
- 2) The applicant shall pay the arrear of electricity bill of Rs. 12,074/- minus the amount of interest in three installments and the first installment shall be of Rs. 4000/- to be paid by the applicants on or before 31.03.2005. The remaining amount shall be paid by the applicants in two equal installments. These two installments shall be paid by the applicants respectively on or before 18.04.2005 and 18.05.2005.
- 3) The applicant shall approach the non-applicant and fill in the prescribed forms X & Y meant for change of name immediately and on payment of the prescribed fees, the non-applicant shall enter the name of the

applicants as consumer in place of earst-while owner Shri Manke. This action shall be completed by the both the parties on or before 30.04.2005.

- 4) As regards the PC route grievance, the non-applicant has already sorted out this grievance and changed the PC route from PC 2 to PC 1 effective from December 2004. The grievance of the applicant in this regard is now removed by the non-applicant. Hence no order need to be passed in this respect.
- 5) As regards the action to be taken against the concerned MSEB officials causing avoidable hardship to the applicants, the Chief Engineer, NUZ, MSEB Nagpur is requested to take appropriate action against the erring officials within a period of 15 days.
- 6) Compensation of Rs. 5000/- (Five Thousand) shall be paid to the applicants by the non-applicant within one month from the date of this order on account of hardship caused to the applicants.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**