

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

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**Case No. CGRF(NZ)/11/2018**

Applicant : Smt. Madhuri Sumit Naik,  
H. No. 261, Naik House,  
Lala's Garden, Khalashi Line,  
Mohan Nagar, Nagpur.

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

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Applicant represented by : 1) Shri. Sunil Jacob,

Non-applicant represented by: 1) Shri N. Vairagade, Ex.Engineer, MSEDCL.  
2) Shri Dahasahastra, SNDL, Nagpur.

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.  
2) Shri N.V.Bansod,  
Member  
3) Mrs. V.N.Parihar,  
Member Secretary.

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**ORDER PASSED ON 23.03.2018**

2) Smt. Madhuri Sumit Naik, H. No. 261, Naik House, Lala's Garden, Khalashi Line, Mohan Nagar, Nagpur (hereinafter referred to as, the applicant) presented this application under Regulation 6.4 of the MERC (CGRF & EO) Regulation 2006. (hereinafter referred to as, the said regulations) on 21-02-2018. The applicant applied to the SND Ltd. (hereinafter referred to as, the non applicant) for new domestic electricity connection. The non applicant rejected the application and informed the applicant by letter dt. 28-10-2017.

The applicant approached the IGRC SNDL Nagpur. The IGRC partly allowed the application vide order dt. 22-01-2018. Feeling aggrieved by this order the applicant presented the instant application.

The non applicant submitted written reply vide letter dt. 15-03-18. The case was fixed for personal hearing on 20-3-18. Both the parties were present. They were heard.

3. Mr. Sunil Jacob, authorized representative for the applicant represented the applicant. He argued that as alleged by the non applicant there are arrears of Rs.18080/- against one Shamrao K. Naik. However the applicant has no concern with Shamrao Naik. The non applicant wrongly fixed the responsibility upon the applicant. So the action of non applicant on this count is wrong.

The non applicant rejected the connection for want of OC/CC of the premises. The applicant has not given any clarification in this regard. So the Forum asked clarification about this. The representative orally stated that the provisions OC/CC are not applicable to the applicant. He is residing in the slum area. He did not produce any document in this regard.

4. Mr. Dahasahastra represented the non applicant. He stated that the applicant applied for a domestic connection. However in the same premises a connection was given to one Shamrao K. Naik. He was in arrears of Rs.18080/-. So the connection was permanently disconnected in Nov 2016. As the applicant applied for new connection in the same premises, she should pay the arrears amount.

Secondly the applicant should produce the OC/CC of the premises. It is necessary as per the order of Hon. High Court Mumbai Nagpur Bench, Nagpur.

The order passed by the IGRC on 22.01.2018 is just and proper, the non applicant concluded.

5. After the hearing was over the case was discussed among the members of the Forum. The Chairperson and the Member Secretary were of the opinion that the order of the IGRC is proper. However the Member CPO expressed different view. He was requested to give a note.

6. A note given by Member CPO reads as under.

We heard the arguments of both the parties & I perused all the papers on record.

(1) The grievance of Applicant is that she submitted the application No. 1126212395 for New Residential Connection, but Non Applicant has rejected her application for following reasons on 28-10-2017.

(A) NOC of Mr. Khushal Sumit Naik/P.D. found 410010456057=18080 + 5, gas card require again (already 4<sup>th</sup> meter found in dedup)/Require occupancy/completion certificate from NMC/NIT. (As per "A1" form it is not requirement. If none of the above documents are available then affidavit on Rs.200/- stamp paper should be submitted.).

(B) IGRC recorded that Applicant is legal heir of the old P.D. consumer and P.D. dues Rs.18080/- to be paid before new electric connection. There is no need of NOC of other live connection and also no-need of obtaining gas connection card of other live consumer in the same premises. The only requirement is occupancy should be with separate entrance and any identify proof.

IGRC directed demand note should be after payment of P.D. dues of Rs.18080/- and High Court's direction for submission of occupancy/completion certificate is to be followed.

(2) Non Applicant in reply stated that Mr. Shamrao K. Naik Con. No. 410010456057 is having P.D. arrears of Rs.18080/- and occupancy certificate/completion certificate required as per High Court order and denied any compensation.

(2A) The residence of the applicant is in slum area approved by N.M.C. and speculier condition of houses, connected or attached with one another is to be kept in mind instead of connection/forcing the applicant to pay Rs.18080/- of Mr. Shamrao K. Naik who is not at all related or claimed change of Name of same premises assuming premises of Mr. Shamrao & Applicant is same.

(2B) In an identical case in Rep. No. 44/2015 order dated 16-7-2015 – Jony Sunil Barsed v/s S.E., NUC, MSEDCL, Nagpur observed as under and allowed connection & compensation, seting aside order of forum dated 25-2-2015 and same is applicable to this case.

(Para - 5 – The Respondents produced letter dated 25-9-2014 alleged to have been issued to the Applicant informing him that his request for new electric service connection dated 5-9-2014 cannot be processed because of P.D. arrears).

(Para – 6 – Firstly there is nothing on record to show that the letter dated 25-9-2014 has been seved on the Applicant. Secondly there is no material on record to show that there were P.D. arrears against the premises for which the applicant sought new electric connection.

(3) The issues for my consideration are

(A) Whether Applicant is legal heir of Mr. Shamrao K. Naik having C. No. 410010456057 ? - No.

Non Applicant failed to file copy of "A1" application form alongwith annexures to verify details with the P.D. consumers as mentioned above.

P.D. arrears can be recoverable from legal Heir only when they claim for change of name as per 10.5 of regulation and present application is for New Connection.

Member of the forum asked Non applicant to submit the copy of P.D. disconnection Notice as per section 56(1) of The Elect. Act. duly served and acknowledged by the P.D. consumer i.e. Mr. Shamrao K. Naik, but Non Applicant failed to produce for our perusal, but filed CPL of Mr. Shamrao K. Naik only for period July 2016 to Jan. 2017 i.e. not prior to July 16 or after Jan.2017 which does not show clear picture and modus operandi of Non Applicant is suspicious and did not submit copy of 'A1' application form of Applicant to verify facts with P.D. consumer to prove contention of Non Applicant, hence baseless.

The address of shamrao K. Naik as per CPL is Khalasi Lines Lala's garden, Mohannagar, Nagpur.

The address of Mrs. Madhuri Sumit Naik is H.No.261, Lala's Garden, Khalashi Line, Mohan Nagar, Nagpur-01.

The para 4 of circular Mahavitran – Ref. No. P-Com/Acctts/19021 dated 6-7-2013 is as under.

In premises of Any P.D. consumer in arrears, if there is other live connection of same P.D. consumer or of his legal successor found then the entire P.D. arrears with interest & DPC should be diverted”.

Non Applicant during arguments on spot inspection Report (backside & signed – Mr. Dahasahastra & other) noted as under

“श्री. शामराव नाईक यांचे मीटर पी.डी. झालेले आहे. सहा. ग्राहक हा एकाच प्रीमाइसेस मध्ये राहत असून एकाच ठिकाणी तीन पीरवार राहते. त्याचे मीटर वेगवेगळे आहे”

Con. - 41001-829940

41001-8801365

41001-8177165

Name of the consumers and addresses & ‘A1” form not mentioned and Applicant denied any relation ship with P.D. consumer and other consumers.

Non applicant neither acted as per para (4) above, nor establish the relationship of Applicant with Mr. Shamrao K. Naik P.D. consumer or others.

As per para 7 of aforesaid circular is as under.

**“Before transfer of such arrears, the S.D. amount should be adjusted in arrears and fictious arrears amount should be withdrawn. The identityand legality of the consumer must be checked before transfer of arrears.**

**Non Applicant failed to adjust amount of security deposit to the arrears as per para 7 above & also failed to prove identity and legality as well as true relationship with applicant by cogent evidence.**

**Hence entire submission of Non Applicant and conclusion of IGRC is without verification of true facts but on the basis of mere submission of Non Applicant only and deserves to be discarded.**

Now it is proved that Applicant is no way concern with P.D. Arrears of Mr. Shamrao K. Naik and not liable to pay P.D. Arrears.

(4) Whether Applicant is entitle for Demand Note and compensation for harassment & mental agomy etc. ? Yes.

Applicant or Non Applicant both failed to mention date of Application i.e. date of 'A1' form but rejection is dated 23-10-2017. As per SOP Regulation inspection should be within 7 days and demand note to be intimated with 15 days.

In view of the above observations in para 3, Applicant is entitle for demand Note as well as compensation for late demand @ Rs.100/- per week or part there of till receipt of Demand Note.

In view of the orders of Hon'ble High Court in PIL No.70/2017 vide order dated 31-8-2017, Applicant will be entitle for New Sevice Connection on submission of occupany/completion certificate issued by N.M.C./N.I.T. or after finalization of PIL or modification in order of High Court.

Hence application deserves to be allowed.

### **ORDER**

- 1) Non Applicant is directed to issue Demand Note within 7 days and pay SOP compensation to the Applicant for late demand note @ Rs.100/- per week or part thereof from date of 'A1' till receipt of Demand Note within 30 days.
- 2) The order of IGRC No.1 is quashed & set aside.

**Naresh Bansod  
Member (CPO)**

7. We have perused the note given by Ld. Member. The member suggested that non applicant should give a demand note within 7 days. The non applicant should also pay compensation.

On perusal of the record it is noticed that the applicant neither before IGRC nor before this forum requested for demand note. At the time of hearing the representative Mr. Jacob was specifically directed by Lt. Member to produce documentary evidence showing that the applicant has no concern with Shri Shamrao K. Naik and the provisions of OC/CC are not applicable to the applicant. However the representative did not produce any document. So we presume that he has no supporting documents in this regard. Since the application was incomplete there was no question to issue a demand note.

Secondly Ld. Member set aside No. 1 of IGRC order.

The IGRC directed the applicant to deposit Rs.18080/-. In absence of any satisfactory and cogent evidence showing that the applicant has no concern, with Shamrao K. Naik living in the same premises, we are unable accept the submission.

In view of the above we disagree with Ld. Member.

8. We have perused the record. We have heard the arguments of both parties carefully.

The IGRC rejected the application of the applicant on two grounds.

(1) The applicant should pay the P.D. dues of Rs.18080/-.

(2) The applicant should produce OC/CC issued by the NMC/NIT.

The applicant simply stated that she has no concern with Shamrao K. Naik. However the applicant failed to produce any evidence in this regard.

The applicant also stated that the provisions of OC/CC are not applicable to her as she is residing in a slum area. However there is no supporting evidence.

In view of the above we do not find any force in the application.

9. We pass the following order by majority.

### **ORDER**

1. Application No. 11/2018 is hereby dismissed.

Sd/-  
**N.V. Bansod**  
MEMBER

Sd/-  
**Mrs.V.N.Parihar**  
MEMBER SECRETARY

Sd/-  
**Vishnu S. Bute**  
Chairman