

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

Case No. CGRF(NZ)/60/2018
Applicant : Shri Ramchand Govindrao Dhoble,
Plot No. 6, Panchanshi Plot Area,
Narendra Nagar,
Nagpur-440027.
Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F) N.U.C., MSEDCL,
Nagpur.

Applicant represented by :- Shri Ramchand G. Dhoble,

Non-applicant represented by :-1) Shri V.R. Sonkusre, Exe. Engr., MSEDCL,
2) Shri Wasim, SNDL, Nagpur.
3) Shri Dahasahastra, SNDL. Nagpur.

Quorum Present : 1) Shri Vishnu S. Bute,
Chairman.
2) Mrs. Vandana Parihar,
Member/Secretary

ORDER PASSED ON 11.07.2018

1. The grievance application is filed on 07-05-2018, under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as, said Regulations).
2. Non applicant filed reply and denied the case of the applicant.
3. Forum heard arguments of both the sides on 12.06.2018, 03.07.2018, 10.07.2018 and perused record.

4. The applicant Shri Ramchand Govindrao Dhoble has purchased property having Plot No. 6, Panchanshi Plot Area, Narendra Nagar, Nr. VITI Convent School, Nagpur vide sale deed dt. 16/12/2013. He has approached the non applicant for getting a new electric connection vide application no.7561073397. But, he was asked to pay outstanding PD arrears of Rs.29524/- The arrears were in the name of Shri Ritesh M. Bagade, Plot No.16, Jogi Nagar. But, the applicant does not agree to this assessment bill because the address of the Shri Ritesh M. Bagade is different i.e. Plot No.16, Jogi Nagar. Whereas the applicant is demanding the connection at plot no.6 Panchanshi plot area, Narendra Nagar, Nr. VITI Convent School Nagpur. Hence requested this forum to set aside of the said assessment bill.

5. Applicant filed grievance with IGRC on 30.04.2018. Accordingly matter was heard and IGRC by its order dt.30.04.2018 stated to collect Rs.9750/-against old PD dues against old PD consumer no.410015694975.

6. Aggrieved by this decision of IGRC, applicant filed his grievance application with this forum for necessary relief.

7. Non-applicant in his written reply has submitted that the applicant Shri Ramchand Govindrao Dhobale had purchased property with plot No.6,

Panchanshi plot area, Narendra Nagar, Nr. VITL convent School, Nagpur vide sale deed dt. 16/12/2013. Applicants has applied for getting a new electric connection vide application No. 7561073397, it was rejected for reasons such as, old PD dues of Rs.13,365/- against old PD consumer No. 410015694975, Non Submission of occupancy/completion certificate issued by NMC/NIT, Vigilance assessment bill of Rs.29524/- in the name of Shri Ritesh Bagade outstanding against the same premises of the applicant. The applicant did not agree to this PD dues & vigilance assessment bill as it belongs to different premises i.e. plot No. 16 and not against plot No. 6. Hence requested IGRC for withdrawal of condition of payment of PD dues & the assessment bill.

8. As per site inspection report, the old PD consumer Shri Ritesh Bagade was not residing at plot no. 16 but he was staying at plot No.6. It was subsequently purchased by the applicant. Hence it seems that wrong address is mentioned in billing record. So the request of the applicant to transfer PD dues at other premises cannot be considered.

9. As per sale deed document, the applicant is new owner of the premises and hence as per Regulation 10.5 of MERC's Supply Code Regulation of 2005, he is liable to pay only 6 months current bills before the month of disconnection of old PD consumer. As per CPL of old PD consumer No. 410015694975, the supply was disconnected in August-2010 and the amount of current bills from Feb.2010 to July-2010 comes out to be Rs.9750/- which the applicant is required to pay towards PD dues against PD premises.

10. As per site visit report the consumer who has committed theft of electricity dues does not stay at Plot 16, Jogi nagar but was staying at Plot No.6 i.e. premises of the applicant. It seems that the address of the consumer who has committed theft is wrongly mentioned in the billing system. Secondly as per document of sale deed provided by the applicant the consumer Shri Ritesh M. Bagade is one of the party in sale deed document which proves that he was some how concerned with the premises purchased by the applicant, Hence being the dues on the premises, the applicant is liable to pay the dues. The F.I.R. has been lodge in Police Station and the matter is subjudice and therefore to facilitate the applicant to get the electric connection, the facility of payment of 50% of total assessment amount needs to be given. Therefore the IGRC directed to collect 50% of the vigilance assessment amount at present and Rs.9750/- towards PD dues against PD premises & after payment process the application for release of connection.

Hence, on these above grounds, they requested forum to reject the applicant's grievance application.

12. During perusal of record it is seen that, as per site inspection report, the inspection team was told by a resident of adjoining area, Smt Shantabai Purushottam Dabre, that on plot no.6 Ritesh M. Bagade, the PD consumer who has committed theft was staying.

The area is known as Jogi nagar as Mr.Jogi was the owner of the Layout. And, hence it seems that the address of the consumer who has committed theft is wrongly mentioned in the billing system. Secondly, as per document of sale deed provided by the applicant, the consumer Shri Ritesh M. Bagade is one of the party in sale deed document which proves that he was having interest in the premises purchased by the applicant.

13. In the representation no.34/2013,Hon'ble Electricity Ombudsman held that *“as per regulation 10.5 ,the appellant is liable to pay actual and correct arrears of previous occupant, limited to a period of 6 months, if not legal heir.”*

14. *As per regulation 10.5 of MERC supply code Regulation 2005, “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”.* In view of the above facts and this regulation, we proceed to pass the following order.

ORDER

- 1) Grievance application dismissed.
- 2) IGRC order is correct, hence need no interference.

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

Sd/-
Vishnu.S.Bute
Chairman