

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

Case No. CGRF(NZ)/82/2018

Applicant : Shri Gajendrasing Ramsing Pawar,
Maroti Ward, Kochar Ward,
Frant of LIC.,
Hinganghat.

Non-applicant : Nodal Officer,
The Executive Engineer,
Hinganghat Division, MSEDCL,
Hinganghat.

Applicant represented by : In person.,

Non-applicant represented by: 1) Shri V.B. Kothare, Dy.E.E.
MSEDCL.

Quorum Present : 1) Shri Arvind Jayram Rohee,
Chaiperson
2) Mrs. V.N.Parihar,
Member Secretary
3) Mrs. Asmita Avinash Prabhune,
Member(CPO)

ORDER PASSED ON 05.09.2018

1) The applicant presented this grievance application before this Forum on 09.07.2018 under regulation 6.4 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 (hereinafter referred to as said Regulations).

2) Non applicant denied applicant's case by filing reply dt. 26.07.2018.

3) Forum heard arguments of both the parties on 30.07.2018 & 31.08.2018 and carefully perused the case record.

4. Applicant and Shri Shankar Hiranman Pichake jointly purchased the old house no.373 at, Maroti ward Hinganghat which is built on 226 sq. meter area from Shri Mustakali Sultanali Ajani in August-2016. Out of it, they own 113.85 sq. meter land as their individual property. There was no meter as well as Electric connection in the said property. The previous owner told them that his supply was disconnected from the pole without any notice in September-2015 for unpaid arrears. The last bill he received was of October-2015 for Rs.14080/-, out of which he paid Rs.5000/- on dt.23.10.2015. From October-2015 onward there was no usage and final reading was 4530. In Feb-2016 the connection was permanently disconnected without notice and without giving final reading to him. The co-owner of the property Shri Shankar Hiranman Pichake has been given new service connection in October-2017 in spite of outstanding arrears against the premises. The applicant applied for new service connection on dt 14.08.2017 but Non-applicant did not issue him demand notice for the reason of unpaid outstanding arrears against the old connection of the premises. He further stated that in October-2015

out of 14080,previous owner deposited RS.5000/- Thus balance outstanding amount is 9080/-.But during hearing at IGRC Non-applicant has filed Consumer Personal Ledger (CPL)on record stating balance position of Rs.25009.83/-as on Feb-2018 which is not acceptable to him, as there is no usage of electricity during the period from Sept-2015 to January-2016.Hence he has requested forum to squash invalid energy bill issued from Sept-2015 to Jan-2016,to pass order to refund the excess amount collected from his co-owner towards outstanding arrears, to grant him compensation for late demand and connection as per clause 12.1 of MERC SOP Regulations 2014,Rs 50000/- as compensation cost to be recovered due to aforesaid billing error on part of concern DY.E.E. and E.E,Compensation of Rs 25000/- for mental and physical harassment caused grant expenditure of rs.5000/- incurred by him towards litigation filed by him, and issuance of a demand note as well as new service connection to him immediately.

5. Non-applicant in reply stated that the applicant, Shri Gajendrasing Ramsing Pawar,applied for new electric connection on 19.08.2017 at Maroti-Ward, In front of Mahesh Gyanpith, Hinganghat.On inspection ,it was found that the arrears of Rs.24460/- is outstanding **against** old PD connection of the said premises. Accordingly the applicant has been informed in writing on 15.03.2018 that unless those arrears are paid supply cannot be released.

Accordingly **it is prayed to** dismiss the grievance application.

6. The approached applicant initially IGRC Wardha. IGRC dismissed his claim for compensation vide order no. 2911 dt. 02-06-18 and ordered to release supply after verification of relevant documents as per rules and regulations of the licensee. Feeling aggrieved by the aforesaid order the applicant presented the instant application.

7. The case was fixed for final hearing on 30.07.2018, 31.08.2018 Shri B. V. Betal, authorized representative was present for the applicant. Shri H.P. Pawade, Ex. Engineer, M.S.E.D.C.Ltd.,Hinganghat represented the Non Applicant.

8. We have heard both the parties and also perused the case record.

9. It is admitted position that the applicant submitted application in the prescribed form on dt.19.08.2017.The Dy.Executive Engineer Hinganghat Urban Sub-division replied through registered post vide office letter no.389 dt.15.03.2018 that due to outstanding arrears, it is not possible to grant new connection on the said premises. The CPL filed on record shows that last reading was taken in Aug-2015 which was 4530 and till that month outstanding arrears were Rs.8864.89.From Sept 2015 onwards the bills are issued on average basis @503/- per month

till Jan-2016. However, in the month of Dec-2015 Shri Mustakali Sultanali Ajani deposited Rs.8910/- on 02.09.2015 and Rs.5000/- on 23.11.2015 without any protest that he is billed on average basis. His supply was permanently disconnected in Feb-2016 thereby final outstanding arrears are shown as 24,483/-, out of which 12000/- is deposited by Shri Shankar Hiranman Pichake, co-owner of the property on dt.26.06.2018.

10. As per regulation 10.5 of MERC Supply Code Regulations, 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 the case may be, shall be charged 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".

As such Shri Shankar Hiranman Pichake deposited half of his share of the outstanding arrears as per above regulation. Similarly applicant should have deposited the balance amount as per this regulation only. So it is clear that the application submitted by the applicant was not complete in all respects.

11. Regulation 12 of the 2014 Regulation prescribes provisions

for determination of compensation. Proviso the Regulation 12 reads as follows.

“Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of Sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance.”

12. In the case in hand the Distribution Licensee was expected to issue a demand note on or before 08.09.2017. However the demand note was given late thus naturally the Distribution Licensee failed to meet the standards of performance. As such the applicant should have files his claim with the Distribution Licensee within a period of sixty days from 08-09-17 i.e. on or before 08-11-2017. However the applicant approached the Distribution Licensee on 03.04.2018. Thus there is delay in approaching this forum as provided under Regulations 12.2. So the applicant is not entitled for compensation. Naturally the claim is barred by limitation.

13. The applicant further claims that the Distribution Licensee failed to release the connection within the stipulated time limit.

On perusal of the record, it reveals that the application was not complete on 19-09-2017 due to non-payment of outstanding arrears for which he was already informed, So as per the provisions of SOP Regulation 2014 he is not entitled to grant compensation for non release of connection on or before 19.09.2017. As discussed in the forgoing para and as per the provisions contained in proviso to Regulation 12.2, he should have claimed compensation within a period of 60 days. On perusal of the record it reveals that the applicant failed to comply the provisions of proviso to Regulation 12.2. Hence is not entitled to get any compensation.

14. The applicant also claimed compensation for physical & mental harassment. However in absence of any cogent evidence we are not inclined to accept applicants contentions.

15. The applicant also prayed that he may be immediately given electric connection. However in view of the above provisions the request of the applicant is not acceptable till he clears his liability.

16. In view of the above facts and this regulation, we proceed to pass the following order.

ORDER

- a) Grievance application no.82/2018 is hereby dismissed.
- b) IGRC order is set aside
- c) Applicant is directed to deposit arrears of PD connection of Rs.12000/-,as the applicant is liable to pay arrears of previous occupant, as per regulation 10.5 of MERC supply code Regulation ,2005.On payment of arrears the demand note is to be given and new service connection should be released as per MERC SOP Regulation, 2014.
- d) No order as to cost.

| | | |
|---|---|---|
| Sd/- (Mrs. Asmita A. Prabhune) MEMBER(CPO) | Sd/- (Mrs. V.N.Parihar) MEMBER SECRETARY | Sd/- (Arvind J. Rohee) CHAIRPERSON |
|---|---|---|

Nagpur

Dt : 05.09.2018