

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

Case No. CGRF(NZ)/128/2018

Applicant : Smt.Usha Khemchand Sadhwani
Block No.114, Ward No.58,House No.98
Jaripatka, Nagpur.

V/s

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F), NUC, M.S.E.D.C.L.,
Nagpur.

Applicant represented by : Shri Mukesh Sadhwani
Non-applicant represented by: 1) Shri V.R. Sonkusle, Exe.Engr.,
MSEDCL,
2) Shri Dahasahastra, SNDL, Nagpur

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

ORDER PASSED ON 27.03.2019

1) The applicant who is the daughter of the deceased Consumer Shri Khemchand J. Sadhwani approached this Forum under clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, since aggrieved by the order dated 03.12.2018 passed by Internal Grievance Redressal Cell (IGRC),

SNDL, Nagpur thereby confirming the order of Commercial Manager since her request for grant of new electric connection for commercial/non residential purpose in the premises of House No.98, Block No.114 near Elephant House, Jaripatka, Nagpur is rejected.

2) The deceased consumer late Shri Khemchand J. Sadhwani having consumer No.410010976221 was residing in a house described in para No.1 above. After his death it is stated that his sons and daughter are residing there and beside electric connection for residential use in the name of the deceased there are three small shops in the said premises with separate electric connection. When the applicant applied for grant of new electric connection for running tuition class in portion of aforesaid premises, it was revealed that there are arrears of old PD dues of Rs.5040/- against the consumer No.411103036318 (standing in the name of Shri Khemchand J Sadhwani with residential address Jaripatka, Elephant Building) and unpaid arrears of electricity bills to the extent of Rs.25180/- against the aforesaid live connection bearing consumer No.410014295279 located in the same premises. Hence her request is rejected unless the arrears on both the consumer nos. are cleared.

3) The applicant then approached IGRC which has passed the following order-

“The NSC-Manager is now directed as below.

- 1) Recover Rs.5040/- towards PD dues of consumer No.401103036318.
- 2) Recover the live arrears of consumer No.410014295279 by disconnecting the supply after giving 15 days' notice under section 56(1) of the Electricity Act, 2003.
- 3) After receipt of both the dues, the application shall be immediately processed for release of new electric connection, after observing the guidelines of the Hon'ble High Court order in P.I.L.No.70/2017, if necessary.

The NSC-Manager shall submit his compliance accordingly.

The applicant's grievance application is stands disposed of in terms of this order.”

- 4) On notice the Non-applicant appeared and by a reply dtd.12.01.2019 supported the order passed by IGRC and the stand taken by them by taking recourse to the provisions of clause 10.5 of MERC Supply Code Regulations 2005, since the arrears are on the same premises and the applicant is the legal heir of the consumer.
- 5) The applicant is represented by Shri Shewak Girdharilal Chhatanani. At the time of hearing the applicant's brother Shri Mukesh Sadhwani is also permitted to represent her.

6) On 27.03.2019 heard the oral submissions of the applicant's representatives and the reply arguments of Shri Sonkusale, Executive Engineer, MSEDCL assisted by Shri Dahasahastra of SNDL for the Non-applicant. We have carefully gone through the case record.

7) It is stated on behalf of the Non-applicant during the course of arguments that the PD arrears of Rs.5040/- on consumer No.401103036318 (Shri Khemchand J. Sadhwani, Jaripatka Elephant Building) have been transferred on live connection bearing consumer No.410010976221 which stands in the name of same consumer Shri Khemchand J. Sadhwani on Building No.114, Jaripatka, Nagpur and Demand Note is now issued to the applicant for deposit of requisite amount for grant of new electric connection.

8) As against this on behalf of the applicant, it is stated that the premises on which arrears are shown are different and hence the applicant is not liable to pay PD arrears of Rs.5040/-. It is also stated that applicant alone is not liable to pay PD arrears and other heir of deceased Shri Khemchand should contribute to it if found responsible. The applicant however, did not dispute the order of IGRC regarding recovery of Rs.25180/- from one Shri Ramesh Budharmal Kewalramani with consumer No.410014295279 located in premises of Block No.114

9) It appears from record that the electric connection for consumer no.410014295279 of Shri Ramesh Kewalramani is on the portion of the same premises where the applicant is residing and one live connection stands in the name of the deceased Shri Khemchand J. Sadhwani with consumer No.410010976221 on same premises as stated earlier. It is not shown as to how the applicant is concerned with the said consumer Shri Ramesh Kewalramani who is in arrears of Rs.25180/-. It is not shown that the applicant is the legal heir of late Shri Ramesh Kewalramani or that the later has obtained the shop premises on lease terms from applicant or her father. It appears that the said consumer has purchased the shop premises in question, since there is no reference about the name of deceased Shri Khemchand J. Sadhwani on the CPL of consumer No.410014295279 produced on record. In such circumstances of the case, it cannot be said that applicant is directly or indirectly liable to pay the arrears of Rs.25180/- standing in the name of the consumer Shri Ramesh Kewalramani. However, as stated earlier applicant has no grievance for recovery of the aforesaid arrears from the said consumer Shri Ramesh Kewalramani & failing to pay arrears the consequences of disconnection will follow as per rules.

10) Since the Non-applicant has already transferred the PD arrears of Rs.5040/- on consumer No.41001097622, although those arrears appears to be regarding electric connection, on different premises, but in the name of same consumer Shri Khemchand J. Sadhwani (which they do not dispute that the different person with same name and is not father of applicant). The applicant when applied for grant of new electric connection on the said premises and being the legal heir of the said consumer will be liable to pay the aforesaid amount of PD arrears. The applicant may recover the share in PD arrears from other legal heir of deceased Shri Khemchand J. Sadhwani.

11) It is needless to say that although premises of electric connection with PD arrears appears to be different than the one of live connection on which those PD arrears are transferred, still as per the provisions of clause 10.5 of MERC's Supply Code, both connections being in the name of same consumer and applicant being his legal heir, is liable to pay the aforesaid amount for getting new electric connection on one of those premises. As such the order of IGRC holding applicant liable to pay PD arrears cannot be said to be illegal.

12) This being so, considering the fact that the Demand Note is already issued to the applicant, this proceeding is partly allowed, with a direction to the applicant pay PD arrears and also to comply with the Demand Note and on such compliance the Non-applicant shall grant new connection to the applicant for commercial use as per SOP Regulations 2014, after ascertaining payment of PD arrears by applicant, which are included in electric bill of live connection with consumer No.410010976221.

13) It is needless to say that the Non-applicant is at liberty to implement para 2 of the order of IGRC and to proceed to recover the arrears of Rs.25180/- on consumer No.410014295279 from Shri Ramesh B. Kewalramani and to take further action as per rules.

14) Parties are directed to bear their respective cost of this proceeding.

Sd/-
(Mrs. Asmita A. Prabhune)
MEMBER(CPO)

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

Sd/-
(Arvind J. Rohee)
CHAIRPERSON