

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUC/723/2019/08
Registration No. 2019010122**

Date of Admission : 31.01.2019
Date of Decision : 24.05.2019

Shri. Sandeep Hajarimal Badjate, : COMPLAINANT
H.No.237, Cantonment Chavani,
Aurangabad -431001.
(Consumer No. 490018331729)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd.,: RESPONDENT
through it's Nodal Officer, EE(Admn.),
Urban Circle, Aurangabad.

The Addl. Executive Engineer,
Chawani, Sub Division, Aurangabad

For Consumer : Shri. Akhatar Ali
For Licensee : Shri. K.B.Kale
Addl. EE, Chawani, Sub-Dn.

CORAM

Smt. Shobha B. Varma, Chairperson
Shri Laxman M. Kakade, Tech. Member/Secretary
Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

1) The applicant Shri. Sandeep Hajarimal Badjate, H.No.237,Cantonment Chavani -431001 is a consumer of Mahavitaran having Consumer No. 490018331729. The applicant has filed a complaint against the respondent through the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 31.01.2019.

The brief facts of the petition are as follows:-

2) The petitioner is consumer of Respondent regarding residential connection having consumer No.490018331729.

3) It is alleged that in July 2018, arrears are shown by the Respondent in his electric bill, amounting to Rs.94680/-.

4) That, the petitioner has approached to IGRC, on Dt.19.11.2018, however till Dt.28.01.2019, decision was not given.

5) The Respondent has disconnected the electricity supply of the petitioner on Dt.28.01.2019 without notice under section 56, of Indian Electricity Act 2003. That, he is ready to pay Rs.17000/- of current bills.

6) It is prayed that :-

1) Illegal arrears shown in the bill of July 2018.

2) Compensation of Rs.5000 may be awarded to the petitioner for harassment & mental torture caused to himself & his family on account of disconnection.

3) Fine be imposed against the Respondent as per rules.

4) Action may be taken against Nodal officer for delay in trying case before IGRC.

Say (P.No.7) submitted by the Respondent raising following contentions:-

7) Hajarimal Motilal Badjate is residential consumer of MSEDCL. On account of arrears, his electric connection is permanently disconnected. The supply was released at the same premises in the name of petitioner, on his application on account of suppression of fact of PD by the consumer, the electric supply was released to him.

8) On commitment to C.R. , Shri.Aktar Ali, that part payment of Rs.17000/- may be accepted & that he will pay balance as per CGRF order it was accepted. However, the consumer has not paid it. Hence, balance amount may be deposited I/D connection may be disconnected.

9) In the say dt.08.04.2019 (P.No.31) it is submitted that, Badjate family is having large size plot at Chawani. By mutual partition, they have constructed houses adjacent to each other & Chawani administration has allotted different numbers i.e. 236,237,238 & 239 to these houses.

10) There are total six live meters given in the plot. Petitioner, being the S/O Hajarimal hence, arrears of Hajarimal i.e. consumer No.490011704040 are transferred in his name. Similarly arrears of Anil Motilal Badjate, consumer No. 490011704031 Rs.79810/- was transferred in the name of his son Sumit & he has paid it. Arrears in the name Vijay Motilal Badjate, consumer No.490018382871, CGRF case No. 685/18, is deducted as per order. Pre-intimation is provided to C.R. & CGRF about transfer of disputed arrears by notice No.1486 Dt.14.06.2017. The details are produced to specify the electric connection of the said plot.

11) We have perused the pleadings & documents placed on record by both the parties & Heard their arguments.

12) Following points arise for our determination & we have recorded its findings for the reasons to follow:

Sr.No	POINTS	ANSWER
1	Whether the petitioner is liable to pay arrears of his father Hajarimal?	No.
2	Whether petitioner electric connection is disconnected without notice under section 56 of Indian Electricity Act, 2003?	Yes.
3	Whether the consumer is entitle for compensation as claimed?	Rs. 1000/- (One thousand)
4	Whether fine be imposed?	No.
5	What order?	As per final order

REASONS:

13) PONIT NO.1: Petitioner is consumer of Respondent, having consumer No. 490018331729, Residential electric connection, at premises H.No.237, Contonment, Chawani, Aurangabad.

14) Admittedly, petitioner is son of Hajarimal Badjate, who is also consumer of MSEDCL, Hajarimal having consumer No.490011704040, residential connection at H.No.238, Dana bazaar, Contonement Chawani, Aurangabad.

15) In July 18, the petitioner has received bill of Rs.94680 by way of arrears. The bill dt. 29th January 2019 (P.No.4) issued to the consumer for Rs. 1,11,930 alongwith arrears.

16) That, on Dt.28.01.2019, on account of no payment of aforesaid, arrears , electric supply of the petitioner was disconnected, therefore he has challenged such disconnection on the ground of illegality & claiming that he is not liable to pay the arrears.

17) Considering contentions raised in the say (P.No.31), it is clear that Hajarimal i.e. father of petitioner consumer whose electric connection bearing consumer No.490011704040 was permanently disconnected since August 2016, as can be seen from CPL (P.No.22) was in arrears of amount of his electric bills & petitioner, being his son, those arrears are transferred by MSEDCL in the name of the petitioner.

18) It is seen from the copy of notice issued by MSEDCL to the petitioner (P.No.11) Dt. 14.06.2017, wherein it is alleged that on Dt.13.02.2015, petitioner has taken his electric connection by misleading to MSEDCL, because in that premises there was electric connection of Hajarimal & his arrears were Rs.92770 & therefore petitioner was called upon to pay the arrears of Hajarimal. Similarly notice was again issued on Dt. 02.02.2019 (P.No.9).

19) It is seen from CPL, that though there is relationship between Hajarimal & Sandeep as father & son , however, they are separate consumers, having aforesaid distinct consumer Nos. Further, it is seen that premise of petitioner is H.No.237 where as that of Hajarimal is H.No.238. It is further seen from CPL of Hajarimal (P.No.22 onwards) that in August 2016, he was in arrears of Rs.91051.58 ps., so his connection was temporarily disconnected & permanent disconnection was made in November 2016, whereas , Bill of January 2019(P.No.4) & CPL goes to show that electric supply to the petitioner was provided on 13th February 2015. So, it is clear that on the date of releasing electric supply to the consumer, connection of Hajarimal was live as such, it

can't be said that petitioner has misled the MSEDCL while obtaining electric supply.

20) It is found that Hajarimal & petitioner, are separate consumers in two different premises as discussed above. MSEDCL has not produced any document, on record in order to fasten, the liability of payment of arrears of Hajarimal on the petitioner. In this premises, Hajarimal is the only consumer against whom action can lie for non payment of arrears. Hence, his arrears can't be transferred in the name of petitioner. So, we hold that petitioner is not liable to pay arrears his father Hajarimal. We answer point No.1 in the negative.

21) **PONIT NO.2,3 & 4:** On account of disputed arrears of Hajarimal, notice of disconnection dt.01.02.2019 (P.No.10) was issued however before that on dt.28.01.2019, his electric supply was disconnected. As such, it is found that without giving notice under section 56(1) of Indian Electricity Act, 2003 consumers electric supply was disconnected illegally. So, also as it is found that, the consumer is not liable to pay the dues of Hajarimal, therefore also disconnection of his electric supply is found illegal. On account of disconnection the petitioner has suffered mental agonies till his supply is restored. As such we feel it just & proper to grant compensation of Rs. 1000/- (One thousand) to the petitioner. But, we are not inclined to impose fine considering the peculiar facts of this particular dispute. We accordingly answer point No. 2 & 3 in the affirmative & point No.4 in the negative.

22) Considering the above discussion, we proceed to pass following order in reply to point NO.5

ORDER

The petition is hereby allowed in the following terms:-

- 1) It is hereby declared that the petitioner is not liable to pay arrears of his father Hajarimal bearing consumer No.490011704040. Therefore, the arrears amount be deducted from the bill of petitioner bearing consumer No.490018331729.
- 2) Petitioner to pay current bills.
- 3) Out of the deposited amount by the petitioner towards compliance of interim order , the due amount of current bills up to April 2019 be adjusted in those bills & rest of the amount be refunded to the petitioner by Cheque.
- 4) The MSEDCL to pay compensation of Rs.1000/- (One thousand) to the petitioner for illegal disconnection of his electric supply.
- 5) Parties to bear their own costs.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member