

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

Case No. CGRF(NZ)/49/2019

Applicant : Shri Secretary,
Darbari Apartment,
Front of Mental Hospital,
Nagpur.

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

Applicant represented by : Shri Ashok Tembhone.

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 19.06.2019

1) The applicant filed present grievance application before this forum on 20.04.2019 under Regulation 6.4 of Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressed Forum & Electricity Ombudsman) Regulations 2006.

2) Applicant's Case in brief is that debit of Rs.26950/- has been raised in his bill for the month of February 2019. After enquiry with Commercial Manager, the applicant was informed that said amount was for old PD dues against consumer No. 410012241601 in the name of Secretary, Darbari Apartment in the same premises, The applicant did not agree with transfer of such dues & requested forum to withdrawal of same, since according to him he is not concerned with those PD dues.

3) Non applicant denied applicant's case by filing reply dated 27.05.2019. It is submitted that some occupant of society applied for getting new connection in the said premises i.e. Darbari Apartment. Therefore, while verifying whether any PD dues against the same premises are outstanding, it was revealed that Rs.53900/- were due against PD connection bearing consumer No. 410012241601 in the name of Secretary, Darbari Apartment in the same premises, where new electric connection was sought. It is also noticed that there are two live connections in the same premises having same name with consumer No. 410013408291 (Wing A) & 410014305304 (Wing B). It is clear that PD premises & name of the PD consumer is the same i.e. Secretary, Darbari Apartment. As such in view of MSEDCL circular No. P.Com/Accts/1902 06.07.2013, the Commercial Manager has transferred the dues equally i.e. Rs.26590/- each on existing two live

connections bearing consumer No. 410013408291 & 410014305304 in the bill for the month of February 2019.

4) Forum heard arguments of both the parties on 28.05.2019 & 18.06.2019 & carefully perused the case record.

5) Applicant's authorized representative Shri Ashok Tembhone is present & Non applicant is represented by Shri Dahasahastra of SNDL & Mrs. Manchalwar of MSEDCL.

6) The record shows that applicant approached IGRC first, which by order dt. 19.03.2019 directed the applicant to pay PD arrears. Aggrieved by aforesaid order the applicant filed present grievance application before this forum.

7) As per CPL the connection was released to (1) Consumer No.410012241601 on 27.06.1992 in the name of Secretary, Darbari Apartment & this connection suffered PD (Permanent Disconnection) on 30.01.2001 and prior to that new connection was released on 26.09.1997 in the name of Secretary Darbari Apartment Wing (A) with consumer No. 410013408291. Further new connection with Consumer No. 410014305304 was released on 07.01.2001 in the name of Secretary Darbari Apartment Wing(B). It is noticed that both the new connections were released before PD dues of first connection are recovered, which may be said to be inadvertent mistake on the part of Non applicant.

8) It is the matter of record that the connection bearing Consumer No 410012241601 suffered PD since 30.01.2001 with PD dues of Rs.53900/-. N.A has right to recover PD arrears as per para 10.5 of MERC Supply Code 2005. It was the responsibility of N.A to recover PD dues in time & take action as per Circular No.190 of 28.05.2001, MSEDCL Circular No.7 dt. 26.07.2005. & (3) MSEDCL Circular No.P.Comm/Accts/19021/10.07.2013. However it can safely be said that Non-applicant failed to follow instructions issued in various above referred circulars, details of which are given below:-

MSEDCL Circular No.7 dt. 26.07.2005 reads as under :-

Sub: Recovery of arrears of Permanently Disconnected consumers.

Instructions have been issued for recovery of live arrears as well as P.D. arrears from time to time. In spite of this, it is noticed that the live arrears as well as P.D. arrears are increasing day-by-day. ----- . Now we are fixing the responsibility once again on the following officers to monitor and take action for recovery of P.D. arrears.

Chief Engineer (Commercial)

9) In the present case, it is evident that Non applicant suffered financial loss of PD dues and interest thereon since 2001, although it was easily recoverable from existing live connections long back. Any loss to N.A. is ultimately loss to electricity consumers of the State. Therefore, Forum is of the view that the concern Competent Authority should initiate departmental action as per service regulations for fixing responsibility & recovery of financial

loss of interest suffered by Distribution Licensee from the erring official. Had the PD arrears been paid/ recovered earlier and since no explanation is coming forward from the Non-applicant for failing to take any action of recovery from 2001 till February 2019, a direction for initiating a departmental action is justified.

10) During the course of arguments, the applicant submitted that PD arrears for a period exceeding 2 years cannot be recovered, based on a full Bench decision of Hon'ble High Court of Bombay, reported in News paper & hence stated that recovery of rest of the period is barred by limitation. The forum could not secure authenticate copy of said order from internet for want of particulars in the news paper reporting such as names of parties, writ petition No. or date of decision or from the Law Journal non applicant had provided it. However reading of News paper reporting clearly reveals that it relates to interpretation of the provisions of Sec. 56(2) of the Electricity Act 2003 and does not relate to recovery of arrears when the electric connection is permanently disconnected. Hence the action taken by the Non applicant although after lapse of 18 years in dividing P.D. arrears on the two live connections in the same premises in the name of the Secretary of Society is perfectly legal correct and justified and can't be faulted.

11) Record shows that P.D. arrears are outstanding in the name of applicant in the same premises. Therefore, applicant cannot be permitted to absolve his responsibility of paying such dues.

12) In our opinion order passed by IGRC is perfectly legal & valid, but required to be modified with directions to Non-applicant to recover financial loss sustained as stated in the final order. Hence following order.

ORDER

- 1) Grievance application is dismissed.
- 2) N.A. is directed to initiate departmental proceeding for fixing responsibility & to take action for recovery of financial loss sustained by way of interest from the erring officials, for delay in recovering PD arrears.
- 3) No order as to costs.

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

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

Sd/-
(Arvind J. Rohee)
CHAIRPERSON