

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005.**  
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**Case No. 95 of 2010**

**In the matter of**  
**Complaint filed by Shri Santosh Vasantryao Maisne against MSEDCL, under Sections 43, 142 and 149 of Electricity Act, 2003, alleging non-compliance of the Order dated 18<sup>th</sup> October 2010 passed by the CGRF, Amravati Zone, in regard to release of supply.**

**Shri V. P. Raja, Chairman**  
**Shri Vijay L. Sonavane, Member**

Shri Santosh Vasantryao Maisne

..... Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd.  
Through its Executive Engineer, Akola (Rural).

.....Opponent

**ORDER**

**Date: 21<sup>st</sup> January 2011**

Shri Santosh Vasantryao Maisne, the Complainant, a resident of Anjangaon Surji, District Amravati, filed a complaint before the Commission on 19<sup>th</sup> November, 2010, against Maharashtra State Electricity Distribution Company Ltd. (“MSEDCL”), the Opponent, seeking legal action against the Opponent under Sections 43, 142 and 149 of the Electricity Act, 2003, for non-compliance of the Consumer Grievance Redressal Forum (“CGRF”), Amravati Zone, Order dated 18<sup>th</sup> October, 2010.

2. The prayers of the Complainant, are as follows:

- “
1. Issue Interim order to MSEDCL to release the power supply to applicant immediately read with Hon. CGRF order and section 43(1) of EA 2003.
  2. MSEDCL has failed to meet provisions of section 43(1) merely because of negligence on part of MSEDCL and since last 1.5 years applicant is not getting power supply. Even after Order of Hon. CGRF, MSEDCL has not given



*connection to applicant. Therefore Applicant prays Hon. Commission to take serious note of above negligence and impose the penalty of Rs.1000/- per day for each day of default in giving connection from 12.06.2009.*

3. *Petitioner prays Hon. Commission to award costs Rs.10,000 /-."*

3. Briefly the facts of the present case as submitted by the Complainant (the deficiencies in the complaint, were rectified on 8<sup>th</sup> December, 2010), are mentioned herein under.
- i The Complainant's father Shri Vasantrao Maisne had purchased a residential property at Anjangaon, under the registered sale-deed dated 20<sup>th</sup> April, 2009. The Complainant had made an application to the Opponent, sometime prior to 9<sup>th</sup> June, 2009, for providing an electricity connection of 0.25kW load for the said premises.
  - ii On 9<sup>th</sup> June, 2009, the site inspection was carried out by the Opponent, after which the Opponent gave the Quotation/ Demand Note to the Complainant, intimating the charges to be borne by the Complainant, wherein the need for 23 meters of service line was mentioned. The Complainant on 12<sup>th</sup> June, 2009, made the payment of the charges raised by the Opponent.
  - iii The electricity connection, however, was not released by the Opponent to the Complainant. The Complainant submits that, he was verbally told that the said premises originally belonged to 'Kisan Ginning and Pressing Factory' and due to pending payment of arrears against energy bills, the supply could not be provided to present occupier.
  - iv Aggrieved by the Opponent's action, the Complainant approached CGRF, Amravati Zone, on 26<sup>th</sup> August 2010. The CGRF accepted the Complainant's grievance on being approached directly, and made a noting of the fact in its order, that the Complainant was not directed properly by the officials of the Opponent, to approach the IGR Cell, which they should have done as per Regulation 6.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.
  - v During the hearing held on 18<sup>th</sup> October 2010, the CGRF observed that the Opponent (erstwhile MSEB) had filed a Special Suit (No. 9/2001) against the said 'Kisan Ginning and Pressing Factory' for recovery of Rs.1,40,903/-, and also that the said Suit had been dismissed in the month of January, 2008. After observing the material facts placed before it, the CGRF held that the arrears are of year 2001 and the same cannot be recovered in 2010 from the present consumer by raising the plea that premises where supply is to be provided is part of premises of Kisan Ginning and Pressing Factory, and that, on such grounds supply cannot be denied. Furthermore, the CGRF concluded that the consumer is entitled to get supply and he is also entitled to get compensation as provided under MERC(SOP) Regulations, 2005.
  - vi Accordingly, the CGRF, Amravati Zone, passed its Order dated 18<sup>th</sup> October, 2010, with the directions, as follows :  

*" MSEDCL Achalpur Division is ordered to provide supply to the present consumer within a period of 15 days from the date of this Order. It should also pay compensation of Rs.100/- per week from 12.06.2009 till the date of release*



*of connection. It should also pay Rs.500/- on account of cost. Both the payments should be made by cheque.*

*Compliance be reported within 30 days.”*

As recorded in the said Order of CGRF, the Member Secretary of the CGRF, having a difference of opinion with the decision of Chairman and other Member, had opined that the electricity connection should not be released till dues are paid as per Regulation 10.5 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, which is extracted hereunder:

“ 10.5

*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:*

*Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.”*

4. The Complainant further highlighted the fact that till the date of submission of this complaint, neither the connection is released nor has any such work begun at the site. In view of the above the Complainant has filed this complaint with the Commission seeking legal action for the alleged non-compliance of the Order passed by the CGRF Amravati Zone.
5. A hearing was scheduled in the matter on 5<sup>th</sup> January, 2011, vide Commission Notice dated 14<sup>th</sup> December, 2010.
6. The Opponent, vide its communication dated 31<sup>st</sup> Dec., 2010, received by the Commission's office on 4<sup>th</sup> Jan., 2011, conveyed that it has challenged the order of the CGRF, by filing a writ petition before the Nagpur Bench of the Hon'ble Bombay High Court, on 19<sup>th</sup> Nov., 2010. However it also informed that the matter could not be listed for hearing before the Hon'ble High Court, due to the technical problem namely some objections were required to be removed and furthermore the Hon. High Court was closed for vacation.
7. During the hearing held on 5<sup>th</sup> Jan, 2011, Shri Ashish Subhash Chandarana represented the Complainant, and, the Opponent was represented by Shri A. R. Khobragade, Ex. Engineer, Akola(R), Shri M. V. Vaydande, Ex. Engineer(LM), and, Shri S. R. Chede, Jr. Law Officer, of MSEDCL.



8. The Complainant reiterated his submission, by adding that amongst the persons who purchased their plots out of the industrial premises where the complainant's plot also exists, several persons were provided electricity connection after taking some sort of undertaking from them, but in the present case of the Complainant, the Opponent has strongly refused to release the connection.
9. The Opponent reiterated that it has challenged the Order of the CGRF before the Nagpur bench of the Hon. Bombay High Court, and, the case is in the admission stage. On further enquiry by the Commission, the Opponent submitted that as on date, there was no stay by the Hon. High Court on the CGRF Order.
10. The Commission received a facsimile message on 10<sup>th</sup> January 2011 enclosing a copy of letter of same date from the Opponent conveying that the Opponent has already released the electricity connection to the Complainant Shri Santosh V. Maisne on 08<sup>th</sup> January, 2011.
11. As the matter is before the Nagpur Bench of Hon'ble Bombay High Court, where the Writ Petition, filed by the Opponent, is pending, the Commission is not inclined to precipitate any action during the pendency of the Writ Petition before Hon'ble High Court, Bombay, as it would be contrary to judicial discipline.

In view of the above, the present complaint in Case no. 95 of 2010, stands disposed off.

(Vijay L. Sonavane)  
Member

(V. P. Raja)  
Chairman



(K. N. Khawarey)  
Secretary, MERC