

ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ.

जुने पावर हाऊस, पोलीस आयुक्तालयासमोर, डॉ.बाबासाहेब आंबेडकर रोड, औरंगाबाद.- ४३१ ००१

To,

The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Rural Circle, M.S.E.D.C.L.
Aurangabad.

Sub: Grievance incase No. CGRF/AZ/AUR/U/54 /2007/23

Please find enclosed herewith a copy of reply dt. 12.09.07 ,filed by the consumer in the above matter. You are requested to file your reply, if any , before 14th Sept.2007.

Yours Faithfully,

Encl: A/A

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

Case No. CGRF/AZ/AUR/U /54/ 2007/ 23

Date of Filing: 27.08.07

Date of Decision: 21.09.07

Hotel Sangam (Through Sanjay Arora)

Jawahar Colony, Uttamnagar

Aurangabad.

Consumer Complainant

V/s

Maharashtra State Electricity Distribution Co.Ltd.

Urban Circle, Aurangabad.

Coram:	Shri V.A.Hambire	President
	Shri H.A.Kapadia	Member
	Shri V.G.Joshi	Member secretary

**Sub: Grievance under the Maharashtra Electricity
Regulatory Commission, (Consumer Grievance
Redressal Forum and Ombudsman) Regulations 2006**

1. The consumer has filed his grievance in Annexure
“ A “ before this Forum on **27.08.07** under Regulation No.
6.10 of the Regulations referred to above. A copy of the
grievance was forwarded on 28.08.07 to the Nodal officer
and Executive Engineer (Adm) in the office of the
Superintending Engineer, Urban Circle, Aurangabad with a
request to furnish his response on the grievance within a
period of fifteen days and hearing in the matter was fixed on
11.09.07

“2”

2. The grievance of the consumer, in brief, as per consumer, is as stated below.

The consumer is occupier of the premises situated at CTS No. 15184 and is running a restaurant in the name & style as Hotel Sangam since year 2000. The electric connection in the said premises bears consumer No.49001106111-4 and the same is in the name of Shri P.J. Tamkhane who expired in the year 2004. The consumer further contended that the premises was initially taken on lease and subsequently entered into agreement to sale by the father of the consumer and the original owner. The consumer is in possession of the said premises since year 2000 and is regular payer of electricity bills issued by the Distribution Licensee (hereinafter referred to as D.L.). The consumer further stated in his complaint that due to dispute between him & legal heirs of the deceased , he has filed special civil suit bearing No. 193 of 2005 in the court of Hon'ble Vth Civil Judge Sr. Division, Aurangabad for specific performance of the contract. The said suit is pending before the court. The consumer received a letter dt.26.3.07 from the D.L. asking him to produce documents of ownership. The D.L. also sent him legal notice on.9.4.2007 stating therein that his electricity supply will be disconnected as per application made by one Shri Anand Gaikwad G.P.A. of the legal heir of the deceased owner. The consumer replied the said notice through his advocate. The electricity supply of the consumer was disconnected on 20.06.07 due to non payment of electricity bill arrears of Rs. 30320/ . The consumer approached the D.L. and after necessary correction in the bill, paid the revised bill of Rs. 21130/ along with reconnection charges of Rs.50/ on 23.06.07. However the D.L. did not reconnect his electricity supply and issued a letter dt.30.06.07 mentioning therein that even though he has paid the bill , his supply cannot be reconnected due to letter in this regards received from GPA of the legal heir of the deceased owner and also as per provision in section 43 of Electricity Act 2003.

3. On the date of hearing i.e. on 11.09.07 , the consumer complainant was present. Nodal Officer Shri Pawar present on behalf of D.L. The Nodal officer filed his response on the grievance of the consumer , a copy of same was handed over to the consumer. The Nodal officer in his reply has stated that electricity supply for commercial purpose has been provided in the name of Shri P.J. Tamkhane and consumer complainant is occupying the said premises for running Hotel business. The Nodal officer further contended that on receipt of application from G.P.A. of the legal heir of deceased owner for disconnection of supply which stands in the name of Shri P.J. Tamkhane , the consumer complainant was asked to produce certain documents regarding transfer of meter etc. The consumer complainant failed to submit the documents and therefore as per legal opinion given by his advocate and as per provision of Electricity Act 2003, the supply of the consumer was disconnected . The Nodal officer further stated in his reply that the supply was not reconnected even after receipt of payment of arrear bill and the reconnection charges of Rs. 50/ due to the application received by the G.P.A. of the legal heir of the deceased owner Shri P. J. Tamkhane. The Nodal officer further contended that since the matter has been filed in Civil court, this Forum has no Jurisdiction to entertain the grievance and requested the Forum to dismiss the complaint of the consumer complainant.
4. On the above reply filed by the Nodal officer at the time of hearing , consumer complainant expressed his desire to file his reply on the same. The Consumer was asked to file his reply on or before 12.9.07. The copy of the reply filed by the consumer was received by the Forum on 12.9.07 and was forwarded to the Nodal officer for submitting his say on the same , if any. The Nodal officer was asked to file his say before 14.9.07 However no response on the reply filed by the consumer on 12.9.07 was received from Nodal Officer. The matter was therefore kept for decision.

5. On going through the documents placed before the Forum we observed that consumer complainant is occupier of the said premises and is paying electricity bills , issued by the D.L., regularly. Therefore even though the meter connection stands in the name of deceased owner Shri P.J.Tamkhane, as per section 2 of Electricity Act 2003, the consumer complainant is consumer of D.L. The consumer has filed petition No.193/2005 in Hon’ble Civil court for specific performance of contract for the matter related with sale agreement of the premises occupied by the consumer and the said case is pending before the Hon’ble court. On going through the above said petition, we observed that the petition filed is related to suit property and does not relate to electricity dispute. Therefore the contention of Nodal officer about Forum not having jurisdiction is not accepted .

We further observed from the bill for the period 10.4.07 to 14.5.07 that the bill amount including arrears is Rs. 30320/ and the date of last payment received is shown as 20.3.07. The electricity supply of the consumer was disconnected on account of non payment on 20.6.07. The consumer has paid the revised bill amount of Rs. 21130/ along with reconnection charges of Rs. 50/ to the D.L. on 23.6.07. The Nodal officer in its reply (para 8) admitted that the consumer has paid the arrears & reconnection charges but while reconnecting the supply Shri Tamkhane and other members restricted the D.L. representative from reconnecting the supply of the consumer

From the above observation we are of the opinion that the action taken by the D.L. of not reconnecting the supply even after receipt of payment of bills and reconnection charges is not correct. The electricity supply of the consumer shall not be disconnected without prior notice as per provision under section 56(1) of the Electricity Act 2003 and also till the dispute regarding property pending before the Hon’ble civil court is decided .

“5”

Hence following order.

ORDER

1. The Distribution Licensee is directed to reconnect the electricity supply of the consumer within seven days from the date of this order.

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.Kapadia)
Member

(V.G.Joshi)
Member Secretary

(V.A.Hambire)
Chairman

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Case No. CGRF/AZ/AUR/U /54/ 2007/ 23

Date:-

To,

1. The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Rural Circle, M.S.E.D.C.L.
Aurangabad.
2. M/S Umesh Board & Paper Mills Pvt. Ltd.,
7, Samrat Apartment, Seven Hills,
Gajanan Maharaj Mandir Road,
Aurangabad.

Sub: Grievance incase No. CGRF/AZ/AUR/R/58 /2007/27
regarding electricity duty.

**Please find enclosed herewith a copy of order passed by
the Forum in the case mentioned above.**

The consumer, if not satisfied with the decision of the
Forum , is at liberty to make a representation to the Electricity
Ombudsman, the contact details of whom is as under, within a
period of 60 days from the date of this order.

Yours Faithfully,

Encl: A/A

Contact Details of Electricity Ombudsman:

The Electricity Ombudsman
Maharashtra Electricity Regulatory Commission
606-608, Keshava Building
Bandra-Kurla Complex, Mumbai 400 051
Tel.No. 022-26590339

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महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
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जुने पावर हाऊस, पोलीस आयुक्तालयासमोर, डॉ.बाबासाहेब आंबेडकर रोड, औरंगाबाद.- ४३१ ००१

Date:-

To,
The Executive Engineer (Adm.)
O/O Superintending Engineer
O & M , Urban Circle, M.S.E.D.C.L.
Aurangabad.

Sub: Non compliance of CGRF order
Ref: Consumer's application dt. 1.10.07

(Case No. CGRF/AZ/AUR/U /54/ 2007/ 23)

Dear Sir.

Enclosing herewith the copy of the letter received from the consumer M/S Hotel Sangam, Jawahar Colony, Uttam Nagar, Aurangabad for non compliance of CGRF order .

You are requested to report the compliance immediately.

Encl: A/A

Copy S.W. R. to:-

1. Chief Engineer (AZ) MSEDCL Aurangabad.

Copy to:-

2. M/S Hotel Sangam, Jawahar Colony,Aurangabad