

NO.EE/CGRF/BMTZ/

Date: 11 Feb 2013

In the matter of

Case No. 12/2012

Smt. Gourabai Irayya Swami
128, Siddheswar Peth; H N 127
Kadadai chawl,
Solapur Pin 413001

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Applicant (Complainant)

Versus

Executive Engineer
Electricity Distribution Co. Ltd. –
Solapur (U) division
Solapur.

Opponent
(Here in after referred As Respondent)

Quorum

Chair person	Mr. S.D. Madake
Member Secretary	Mr. D.U. Ghatol
Member	Mr. Suryankant Pathak

The applicant filed present grievance application before forum on date 30/11/2012 under regulation 6.4 of Maharashtra Electricity Regulatory Commission Consumer Grievance Redressal Forum & Electricity Ombudsman Regulations 2006, here in after referred as regulations. Grievance is filed against the order passed by Internal Grievance Redressal Cell Solapur on Dt. 30/08/2012.

- 1) The hearing was scheduled on date 20.12.2012 At MSEDCL Solapur Circle Office. Applicant attended the hearing and submitted documents. Respondent representative Deputy Executive Engineer in charge of Solapur subdivision- C attended hearing. Respondent neither submitted his say prior to hearing nor on the day of hearing.

- 2) The applicant is son in law of late Irayya Swami. As per applicant, Irayya Swami was residential consumer of MSEDCL since 17.06.1969 having consumer No. 330240177757. Irayya Swami Passes away in the year 2007 because of prolong illness. After the death of Irayya Swami the wife of late Irayya Swami, Smt Gourabai Irayya Swami was staying at rural place as per Doctor's advice. During this period she was not able to pay electricity Bills. MSEDCL disconnect electricity connection permanently on date 13.02.2007 without prior notice to consumer. The consumer paid arrears amount Rs 20 on date 13.02.2012 vide receipt no. 5092046 and requested for reconnection of supply. MSEDCL force for new connection instead of reconnection of permanently disconnected connection and asked no objection certificate from new owner of property Mrs. Rahanabi Esak Nadaf for new connection. As per applicant Mrs. Rahanabi Esak Nadaf is not legal owner of property and not at all related with reconnection of electricity supply.
- 3) We have carefully perused all the documents produced on record by applicant. This document is in the form of letters, property card, and M.S.E.D.C.L. bill.

According to MERC (standard & performance of distribution Licensee, period of giving supply and determination of compensation) regulations 2005 specially regulation 7.2, It is specifically provided that "When distribution Licensee has disconnected supply of consumer for a period not more than Six months then any such consumer pay all amount due and payable to the satisfaction of distribution Licensee or in case of dispute pays such amount under protest, the distribution Licensee shall reconnect supply with in 24 hour from payment of dues by the consumer in town & cities & within two days in rural area.

Therefore this provision is applicable for a period of disconnection "Not more than Six months." In the present case period of disconnection is more than six months. Applicant request for reconnection of supply cannot be considered.

- 4) In a case of Abhimanyu Muzumdar versus superintending Engineer and Anr, (W.P. no.423 of 2010 decided on 11th February, 2011), full bench of honorable High Court of Calcutta held that a person in settled possession of a property, be it unauthorized occupier, encroacher of any premises and squatters of any premises is free to apply for supply of electricity, without consent of owner and is entitled to get electricity and enjoy the same until he is evicted by due process of law.

There is nothing on record to show that applicant is evicted from the suit premises or he has handed over the possession of the premises or any order dispossessing him from the suit premises is passed by the court. Respondent representative Deputy Executive Engineer in charge of Solapur subdivision- C verified site and submitted that possession of the premises is not vacated. Regulation 4.1 (Vii) of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005, stipulates that for consumer falling under the domestic tariff category, a copy of any one of the following documents namely (i) ration card (ii) photo pass (iii) voters card (iv) passport (v) document pertaining to occupation of the premises may be required for processing application for supply of electricity. It is clear from the above that the Respondent has to considered Application for supply of electricity on the basis any of documents, in accordance with the Regulations.

ORDER

- 1) M.S.E.D.C.L. is directed to process application for new connection in accordance with MERC regulation.**

Mr. S.D. Madake
(Chairperson)

Mr. D.U. Ghatol
(Member Secretary)

Mr. Suryankant Pathak
(Member)