

(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 314

Date: 06.02.2018

Hearing Date: 30.01.2018

CASE NO.54/2018

IN THE MATTER OF SINGLE PHASE POWER SUPPLY (NEW CONNECTION)

Nitin Hanumant Salunke,

Shop No.76, Mahalaxmi Society,

Plot No.4,5, 6,7,Sector - 2,

Nerul-400706.

(CONSUMER NO. 000334219712) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited

through its Nodal

Officer,

Thane Circle, Thane

. . . . (Hereinafter referred as Licensee)

Appearance : For

Licensee

Mrs. Asmita Patil, AEE, Nerul Sub Division

For Consumer – Shri. Nitin Salunkhe

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary
and Vacant - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as ‘MERC’. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. “Maharashtra

Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity.

2. Consumer herein is one Mr. Nitin Hanumatn Salunkhe having consumer no LT single phase- 000334219712 (BU 4642). He is owner of Shop No.76, Mahalaxmi Society, Plot No.4,5, 6,7,Sector - 2, Nerul. On 03.04.2017 MSEDCL released to him LT connection, commercial. Sub- sequentially on date MSEDCL has without notice disconnected supply. The reason assigned is that subsequently they come to know that there was already one connection at the premises in the name of one Shri. Manik Ramchandra Shinde. MSEDCL also removed the meter of the complainant and took it away.

Consumer states that he is the owner of the shop premises and produced several documents in support thereof. Consumer pray for reconnection of supply.

3. MSEDCL in reply contends that Nitihnkumar Hanumant Salunkhe submitted A-1 form for new connection on 30.09.2016 inward No. 4094, for Shop No.76. for 1 KW load. This consumer don't have proper ownership document proof. They have submitted money receipts copies form Mahalaxmi Nagri Seva sansta as a ownership proof. Normally single phase 1 KW connection is sanctioned at section level. However this application was in warded to subdivision. And relevant documents were not enclosed with application.

Affidavit was taken from consumer as he was not having required documents, which is submitted on 10.01.2017 by Mr. Nitinkumar Salunkhe.

As per load survey report of section Engineer dtd. 17.10.2016 the shop is occupied by Mr. Nitinkumar Salunkh.

There are legal issues regarding ownership of this place between applicant and chairman of Shri. Mahalaxmi Nagari SEva Sanstha for which case is already pending in court of law.

As per estimate No. Nerul/T/NonDDF/Infra-II/15-16/11dt.04.03.2016. 91 no of connections were already sanctioned at Mahalaxmi Nagari SEva santha, Plot No.4,5,6,7 sector 2, Nerul, Chairman of Mahalaxmi Nagari Seva have not paid quotation for all sanctioned 91 connections at once, but they pay as and when consumer/shop owner asks them, they get quotation form subdivision and pay only for that shop.

For shop No.76 connection was already sanctioned in the name of Manik Rachandra Shinde vide above mentioned shop was already sanctioned on different name, letter seeking clarification/objection if any was sent to chairman of MahalaxmiNagri SEva Sanstha vide letter No. Conf./31dtd. 24.10.2016. on this letter we have not received any reply form to chairman of Mahalxmi Nagari Seva sanstha.

Considering the previous sanction at same place legal opinion was asked vide letter No. 07.12.2016 as to whether connections can be given or not. In legal opinion it was asked to follow Vidyut Lokpal Order in case No. 55/2015 dtd. 13.08.2015,in which it was mentioned that connection to be given to the person in possession if not prohibited by competent court. Accordingly, quotation was given to Mr. Nitinkumar Salunkhe, he paid amount and connection was released.

Within two days of release of connection it was found that consumer No, 000334206491 is already live on Shop No.76, which was overlooked

because of factors like, not paying of quotation for 91 No. At once, time lapse and legal complications involved.

Therefore, as 2 connections cannot be given on same premises for same purpose and based on affidavit and declaration submitted by Mr. Nitinkumar Salunkhe the connection for consumer No. 000334219712 was disconnected.

4. We have heard both sides. Admittedly supply connection has been released to the consumer herein although there were no sufficient documents of the shop No. 76 in the name of the complainant. An affidavit was taken from him. Consumer himself has produced judgment copy of Co-operative Court which in the First place indicate about existence of a dispute with respect to the said premises between the complainant/consumer and the allotting society i.e. Mahalaxmi society. It is true that judgment is given in favour of this complainant but the date of judgment is 8.12.2017. Even appeal period is not yet over. We have to bear in mind time required to obtain certificate copy and file appeal. Secondly the judgment itself demolishes the complainant's claim that he has been in possession of the said premises. The judgment merely decrees the suit and directs the society to grant possession to the complainant on payment of the balance amount of price. Complainant has to prove that accordingly he has paid the balance of price and taken possession from the society. There is no satisfactory evidence that complaint is the occupier of Shop No. 76. There is a connection already existing in the premises. In such circumstances act of disconnection on the part of the MSEDCL cannot be faulted.
5. By the way it is not known how the survey report was given stating that this complaint was in possession of Shop No.76. It appears further that just to insulate the action of grant of connection legal opinion was sought and obtained. It is necessary to make inquiry as to how the connection was granted.
6. Hence, the order.

ORDER

Grievance is dismissed.

The compliance should be report within one week.

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. “ Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051”
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under” Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and Ombudsman) Regulation 2003” at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

I Agree/Disagree

**ANANT M. GARDE
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**