

MAHARASHTRA STATE ELECTRICITY BOARD

Consumer Grievance Redresal Fourm

Forum

Ph. No. 25624316

REF.NO. CE/BND/Forum/04-05/06/

To

Mr. Dwarka K. Jogeshwar,
B/902, Ushanagar CHS,
Village Road, Bhandup (W),
M U M B A I - 400 078.

Consumer Grievance Redresal

"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078.

Date :

Dear Sir

Received your complaint on 02/11/2004 regarding delay in giving new connection. **Case No. 06/04.**

We are looking into the matter and very soon we will call you for hearing your point of view in the matter till then please bear with us.

Thank you,

Yours faithfully

Forum

Consumer Grievance Redresal

M.S.E.B., Bhandup Zone

copy to :

Executive Engineer, O&M Divn., Bhandup.

We have received above mentioned complaints (copy attached). You are advised to submit your parawise/letter wise comments. Failing which Forum will proceed on the material data available..

MAHARASHTRA STATE ELECTRICITY BOARD
Consumer Grievance Redresal Fourm
In the Consumer Grievance Redressal Forum at M.S.E.B., Bhandup U
Zone,
Vidyut, Bhandup
Case No. 06/04 of 2004 - 05 Hearing on 25/11/2004
Date : 18/12/2004

Complainant :

Mr. Dwarka K. Jogeshwar,
B/902, Ushanagar CHS,
Bhandup.
Village Road, Bhandup (W),
M U M B A I - 400 078.
New consumer

Utility :

Executive Engineer,
O&M Division,

The complainant as well as Executive Engineer, O&M Division, Bhandup, Mumbai were present on 25/11/2004, the date fixed for hearing. All members of the Forum the Chairman and both the members were present. As the connection was not given for last 1 year Mr. Dwarka K. Jogeshwar has lodged the complaint with the Forum for delayed connection.

Mr. Dwarka K. Jogeshwar stated as under :-

"I had a connection given by the society, but since last 2 years the society has disconnected the power. Since then I am with without light. I purchased a commercial gala from the society in the year 1995-96, that time I had light connection, in the commercial gala, given by the society. I do not know why it was disconnected. There was no separate meter provided for my gala, therefore I applied for the independent connection to M.S.E.B. on 16/10/2003. I submitted all the documents alongwith the application. Till today I have not got my connection".

On query by the Forum whether M.S.E.B. has asked for any documents after the application, Mr. Dwarka K. Jogeshwar "replied in affirmative saying that the MSEB has asked for N.O.C. from society".

Forum question : Did you give N.O.C.

Answer : No because society did not give me the N.O.C., but I have purchased

commercial gala from the society & I had shown the cheques given to the society for my shop and shop and establishment certificate & submitted the copies to M.S.E.B.

2. The Executive Engineer, Bhandup Division stated that on 16/10/2003 complainant has given the application for new connection, alongwith the shop and establishment certificate, zerox copies of the annual statement of society in which the amount for the sale of "C" bldg. shop is mentioned, but name of the person is not mentioned. The consumer has given the shop and establishment certification under the shop & Establishment act, but in the mean while on 19/11/2003 society has raised the objection

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for giving the connection to Mr. Dwarka K. Jogeshwar & also with the threat to prosecute M.S.E.B., if MSEB released the connection. On 19/01/2004 Executive Engineer has issued a letter to Mr. Dwarka K. Jogeswar asking him to submit the N.O.C. from the society & stated that unless the N.O.C. is submitted the connection will not be released. He also issued a copy of this letter to the society.

Forum Question: Is it mandatory on the part of M.S.E.B. to take N.O.C. from the society?

Answer: It is not mandatory, but consumer has neither produced the sales deed or agreement nor he produced Municipal tax receipt, hence asking for N.O.C. from the society became necessary. And as the consumer has produced NOC the connection was not released.

Forum Question: Have you consulted legal authority of M.S.E.B. in this case?

Answer: No, as it is not necessary.

Forum Question A: The consumer has applied for new connection on 16/10/2003 & society raised the objection on 19/11/2003 more than a month later, the Act says Refer Section 43/1 of I.E.A. the connection is to be given within 30 days from the receipt of the application.

Forum Question B: On receipt of application within 7 days inspection is to be carried out. Did you carry out the inspection?

Forum Question C : The estimate for the work is to be given within 15 days. Did you submit the estimation or during this period did you call for N.O.C. of society?

Answers from Executive Engineer: I neither carried out inspection within 7 days nor I submitted the estimation till date nor the connection was released. I issued a letter to submit the N.O.C. only after receiving the objection to release the connection from the society on 19/01/2004. I have also issued a letter to the society on 18/11/2004 asking the society, when Mr. Dwarkadas K. Jogeshwar is a occupant of the premises why connection cannot be given to him. This I did after inspecting that Mr. Dwarkadas K. Jogeshwar is a occupant of the premises on 10/11/2004.

Forum Question: Did you intimate the consumer prior to going for inspection?

Answer from Executive Engineer: No, I have not intimidated.

JUDGEMENT

We have carefully gone through the submissions made by the consumer as well as by the Executive Engineer O&M Division, Bhandup. In the intervening period after hearing the case we received letters from the Sr. Supdt. of post office, Mumbai city, North East Division, Mumbai - 400 042 of 24/11/2004, 07/12/2004. The Sr. Supdt. of post office feared that the complainant is being given electricity by the utility from the connection of the post office. One Shri Ghaisas (C1) also made an application fearing that the consumer is being given electricity connection from the post office (C1) since Sr.Govt. Official made the application fearing that some unauthorised connection is being given, the Forum decided to carry out spot inspection on 17/12/2004 when the consumer, all the members of the Consumer Grievance Forum, Shri Malame, Dy.Ex.Engr. in the absence of the Executive Engineer and Shri Mankar, Asstt.Engineer were present. We were rather surprised that the correct No. of premises of the consumer is C4 A and not C 1, due to which lot of confusion is created. Neither the applicant properly mentioned the correct premises number, nor care was taken by the MSEB to verify the correct No. after carrying out the physical inspection. In this case, even though protracted correspondence is on record the basic point is missed. At the time of inspection on 17/12/2004 it was found that the galas, which were in existence stock from the Post Office (C-1) upto C4/A that is the gala of the complainant, electricity was provided. During inspection, it is also seen that the electricity was provided in the premises of the complainant's gala earlier, complainant also is in possession of premises and keys of the premises. Further satisfying primarily that the consumer has the Shop and Establishment License, paid the charges to the society etc. Another pertinent question is that why the Executive Engineer asked for the NOC from the society, if it is not necessary. It appears that since the society has threatened the MSEB of prosecution, the MSEB authorities slowed down the speed, which is unnecessary and unpardonable. Unnecessarily the consumer

has been asked to run from the pillar to post. Now it is directed that new application mentioning the correct premises number be obtained and connection be released after taking necessary deposit as per rules within 7 days from the date of this order. The fear of the Sr. Supdt. of Post office and the owner of the premises C1 is unwarranted. The society's objection is untenable and should not have been entertained at all.

Given under the hand and seal this 18th day of December 2004.

(Sandeep Pasarkar)
Mane)

Member
Chairman
Consumer's Grievances
Grievances
Rederssal Forum
Forum

(H.B. Soni)

Member Secretary
Consumer's Grievances
Rederssal Forum

(Pramod)

Consumer's
Rederssal

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