



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO.K/N/017/0148 OF 08-09
OF SAU. SHANTABAI MADHUKAR RAUT REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT NEW CONNECTION.

Sau. Shantabai Madhukar Raut (Here in after
Room No. 1, Tukaram Mhatre Chawl, referred to
Khadakpada, as Consumer)
Kalyan (W) – 421 301

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Deputy referred to
Executive Engineer, Sub Dn.2.Kalyan (W) as licensee)

- 1). Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).
- 2). The consumer registered grievance with the Forum on dated 21/07/2008 new connection for Single phase residential purpose.
The details are as follows: -
Name of the consumer: - Sau. Shantabai Madhukar Raut
Address: - As above
Reason for Dispute:- Delay in getting new connection.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/198 dt.21/07/2008 to Nodal Officer of licensee. Reply received vide letter no. DYEE/S/Dn-II/Tech/2463 dated 11/08/2008.
- 4). The Member Secretary & Member of the Forum heard both the parties on 18/08/2008 @ 15 Hrs. In the meeting hall of the Forum’s office Sau. Shantabai Madhukar Raut & Shri Madhukar Eknath Raut, Consumers & Shri S. S. Bakshi, Deputy Executive Engineer, Shri S. M. Jadhav Assistant

Engineer, Shri M. S. Patil, Assistant Accountant, representatives of the licensee attended hearing.

- 5). Sau. Shantabai Madhukar Raut repeated her grievances mentioned in consumers application dated 17/07/2008. She submitted that she got ancestor land and constructed a room in Tukaram Mahadev Mhatre chawl, having Kalyan Dombivli Municipal Corporation (KDMC) Property No.08013403600 and is paying property tax in her name i.e. Shantabai Madhukar Raut. She applied for electric connection to her Room No.4, Chawl No.1 on 03.03.08 at Golden Park Section Office along with all legal documents. She stated that she given undertaking to licensee about new connection on 03.03.08 and also letter on 02.05.08 and personally met the Section Officer No. of times but he avoided to give the electric connection. The Section Officer, informed her that there are arrears of **Rs.15,698/-** outstanding in the Name of Shri Tukaram Mahadev Mhatre, in the Tukaram Mahadev Mhatre Chawl. Till this arrears are not cleared, you will not get the electric connection in the same premises. She informed the licensee that our room is separate and we have not taken supply from that connection. We have nothing to do with these arrears outstanding in the name of Shri Tukaram Mahadev Mhatre. She said that I submitted application with copy of Ration Card and Tax receipt to proof their legality to get the electric connection. They said they are very poor, however,

they will arrange to pay necessary charges required for getting electric supply . They said since there was no response from the licensee for more than two months, they approached the CGRF and registered complaint on 21.07.08.

- 6). On the query, the licensee stated that while verifying the application, it is observed that there was a connection No.020020195020/4, which was disconnected in Feb.07 for payment of arrears of Rs.20,172/- (i.e. Rs.15,698/- arrears upto Jan.07 + interest Rs.4474/- for the period from Feb.07 to Aug.08). Mrs. Raut is applied for new connection in the same chawl and she has availed supply from above connection. So she is also responsible for making the payment of arrears. Therefore vide letter No.JE/GP/T/G/875 dt. 15.05.08 we informed the applicant to first make the payment of arrears combinedly contributing equal shares by each tenant of the chawl and after paying the arrears, supply will be released to you. But there was no action from the applicant side. Though the Tax receipt is in her name, the name in Ration Card is different which do not tally with each other and this room No.4, chawl No.1, is a part of Tukaram Mahadev Mhatre chawl. The arrears as on Jan.07 was Rs.15,698/- and including interest from Feb.07 to Aug.08 (Rs.4474/-) the upto date arrears upto August 08 was Rs.20,172/-.

- 7). The licensee further stated that there are arrears appearing in the account of the Licensee in the chawl where she applied. Also there are different names in the Ration Card as well as in the A-1 form. Due to all these complications, payment order was not issued to the applicant for want of clearance on above.
- 8). Forum observed that the licensee as per their letter dated 15.5.08 have instructed the applicant to pay the arrears proportionately by all room owners of the chawl. From this it is clear that the licensee has officially given one connection to the chawl having 7-8 rooms and allowed all room owners to take supply from it. The licensee could not submit any documentary proof that supply was released to 7-8 rooms in that chawl. This is against the rules of the licensee. Forum asked Under which rule this is applicable.?. The licensee could not give any justification. Further it is also observed by the forum that the licensee has not informed the consumer regarding differences in the name in writing till hearing date. The licensee could have informed this fact in the letter written regarding arrears.
- 9). Forum observed that Shri Tukaram Mahadev Mhatre has paid last payment on 30.4.90, credit of Rs.3846/- and Rs.9488/- given in March 2002, first PD made in Jan.2001 for arrears of Rs.19,183/- and made live in Jan.05, after 15 years, on payment of arrears. The above consumer has not paid the

energy bills from April 90 till Nov.05 (for 15 years). Why the licensee permanently disconnected supply made live again after fifteen years, such a defaulted consumer when there are existing rules that a connection which remained Permantaly Disconnection (PD) for more than six months, for non payment of arrears, should not be made alive, but it treated as new connection, after payment of arrears. The licensee Section Officer failed and neglected his duties here also. The meter was removed from the installation in Jan.04, after three years of PD. The second payment was made on 30.11.05. i.e. after 15 years (i.e. from the 1st payment on 30.04.90) . The licensee made this supply alive in Dec.2005 through meter No.10835943. Again it was permanently disconnected in Feb.07 for payment of arrears of Rs.18,597/-.

- 10). The licensee stated that the complainant's room is in the Tukaram Chawl whose connection is disconnected due to arrears. As she has one of the user of electricity from the above connection, she is also responsible in sharing the arrears. Therefore unless the arrears are paid, they can not release the connection in the same premises. But complainant argued that we have not taken supply from that connection. Our room is separate and has no connection with Tukaram Mahadev Mhatre chawl. The licensee's meter was taken away from another premises. We have submitted documents to prove the legality. So we may give new electric connection

without insisting the payment of arrears outstanding in the name of Tukaram Mahadev Mhatre.

- 11). On this, forum decided to inspect the premises and verify the position. Thus finishing the hearing, all the persons who were present in the hearing visited the location and physically verified the fact. Shri Suradkar, JE incharge of Golden Park Section and Shri Dasarath Balu Mhatre, Asstt.Lineman (ALM) who disconnected the meter, were also present in the premises, during the inspection, in addition to above personals. The ALM showed the location from where the meter is removed. It is observed that there are 7 to 8 rooms in the chawl. The meter is removed in front of a middle room of the chawl. The meter board is still there in the wall and the cable found in disconnected condition which was hanging in the roof. The supply is made PD in Feb.07 and cable found still hanging there during the inspection on 18.08.08. Even after passing 18 months, the licensee did not bother to remove the cable from the premises. No proper routine checking is carrying out by the licensee in the premises of the disconnected consumers who are in arrears. The Junior Engineer, incharge of Golden Park Section informed that the cable is disconnected from the pole and the same will be removed. The forum can not understand how the licensee given a single supply to a chawl of 7 to 8 rooms. There is no proper follow up from the licensee to recover the arrears from

the defaulted consumer but to force other applicant who approach them for new connection in and around premises of defaulted consumer to make the payment of arrears for no fault on their side. The forum observed that the applicant's room is in the end towards road side and third room from the meter location. Thus it is confirmed that the meter removed is not from the complainant's room and the applicant is not liable or making the payment of outstanding arrears of Tukaram Mahadev Mhatre.

- 12). Forum asked the complainant that your name is Shantabai in the A-1 form and the name in Ration Card is "Kavita". This document do not prove the legality. The complainant replied that when applied for Ration card I filled up my old name "Kavita" by mistake, when my name was already changed as "Shantabai" after marriage. The person named "Kavita" and "Shantabai" are the same. The forum asked the complainant to submit the legal documents to this effect to the licensee.
- 13) Forum observed that Mrs.Shantabai Raut has submitted A-1 form on 06/03/08 and the Section Officer informed on 15.05.08 her that there is arrears of Rs. 15898/- in the chawl where she applied for connection. The licensee informed to the consumer after 69 days. (06.03.08 to 15.05.08). Meanwhile consumer approached to CGRF on 3.5.06 on this basis forum forwarded the same complaint vide letter No.EE/CGRF/ Kalyan/ 100 dt. 05.05.08 to IGRC Kalyan

Circle-1 for solve this grievance within 15 days. After that licensee carried out the survey on 15.5.08 and informed the consumer about arrears arrears of Rs. 15898/-. As per Maharashtra Regulatory Commission (Standard of Performance of Distribution Licensees, period for giving supply and determination of compensation) Regulations 2005) Clause No.4.3 *“The Distribution Licensee shall complete the inspection of the premises related to an application for supply of electricity not later than seven days from the date of submission of such application for supply in towns and cities and within ten days from the date of submission of such application for supply in rural areas, regardless of whether such application is deemed to be completed under Regulation 4.2”*. Hence the consumer is liable for compensation of Rs.900/- (Rupees nine hundred only) for 63 days (i.e. 69 – 7 = 62 days i.e. 8 weeks & 6 days i.e. 9 weeks) delay in survey.

- 14) The consumer is also liable for compensation not issuing the payment order within 15 days from the date of application As per Maharashtra Regulatory Commission (Standard of Performance of Distribution Licensees, period for giving supply and determination of compensation) Regulations 2005) Clause No. 4.4 *“ Where the supply to an applicants to be given from an existing network of the Distribution Licensee, the Distribution Licensee shall intimate the charges to be borne by the applicant not later than fifteen days from the date*

of submission of such application for supply in towns and cities and within twenty days from the date of submission of such application for supply in rural areas, regardless of whether such application is deemed to be complete under Regulation 4.2.” Hence the consumer is entitled for compensation of Rs.800/- (Rupees eight hundred only)for 54 days (i.e. 69 - 15 = 54 days i.e.7 weeks & 5 days i.e. 8 weeks) delay in issuing payment order.

- 15) After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, forum unanimously passed following order.

O-R-D-E-R

- 1). The licensee may release the supply, within one month, after getting legal documents and getting necessary charges for new connection from the prospective consumer.
- 2). The licensee should pay compensation Rs.900/- (Rupees Nine hundred only) to the consumer towards delay in survey within 90 days from the date of this decision.(Refer para No.13).
- 3) Also the licensee should pay compensation of Rs. 800/- (Rupees eight hundred only) to the consumer towards delay in issuing payment order within 90 days from the date of this decision.(Refer para No. 14).
- 4) Compliance should be given to the forum within 90 days.

- 5). Consumer can file appeal against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex,
Mumbai 51”*

Appeal can be filed within 60 days from the date of this order.

- 6). Consumer, as per section 142 of the Electricity Act, 2003,

can approach Maharashtra Electricity Regulatory Commission

the following address:-

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade, Colaba,
Mumbai 05”*

For non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”.

Date :- 01/09/2008.

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

CGRF Kalyan

Kalyan

Member Secretary

CGRF