

**Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IIInd flr. Pune-11**

**Case No. 03/2014**

**Date:- 20/6/2014**

**In the matter of**

**- Complainant**

Shri.Dnyandev Rangnath Jambhale,  
S.No.1/103, Wagholi,  
Tal.Haveli, Dist.Pune

**V/S**

The Executive Engineer,  
M.S.E.D.C.L.  
Mulshi Division ,  
Pune.

**- Opponent**

**Quorum**

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

1. Complainant has filed the complaint as per the provisions of Section 42(5) of the Electricity Act-2003.
2. Complainant is consumer of M.S.E.D.C.L. vide No.170520181191 since 22.9.2012. He alleged that opponent illegally disconnected the electricity supply, in violation of Electricity Act-2003.
3. The Electricity supply given to complainant was objected by his brother Ashok Jambhale. After receipt of objection opponent issued notice dated

- 10.6.2013 to complainant directing him to produce documents relating to property. All documents were referred to Legal Deptt. and on the basis of documents and legal advice the electricity supply was disconnected on 21.10.2013.
4. According to complainant the act of opponent for disconnection of supply is taken to help Ashok Jambhale and to cause wrongful loss to him.
  5. Complainant alleged that Civil Suit No.130 of 2013 is pending before Civil Judge Senior Division, Pune since 15<sup>th</sup> Jan.2013 for partition of the Joint Hindu family, where complainant is plaintiff and Ashok Jambhale is defendant. He stated that he is in possession of propert,. he further contended that Electricity supply given to consumer can be disconnected only as per the provision of Electricity Act.
  6. On pleadings of parties the following points arise for our determination?
    - i) Whether the M.S.E.D.C.L. disconnected the electricity supply of Dnyandeo Jambhale without valid reasons.
    - ii) What Order?
  7. Our findings are as under:
    - i) In the affirmative.
    - ii) As per final order.

### REASONS

8. Heard both sides at length. Complainant and utility produced on record relevant documents. The main contention of complainant is that electricity supply was given to him after considering all documents on 22.9.2012 and his electricity supply was disconnected illegally on 21.10.2013 in violation of the provisions of Electricity Act-2003.
9. The substance of the allegation by utility is that Mr.Ashok Jambhale brother of complainant objected for said connection, on the ground that connection was sanctioned on forged documents. M.S.E.D.C.L. produced

- all documents before legal advisor and after considering all factual and legal aspects and after giving reasonable opportunity to complainant decision was taken to disconnect the electricity supply.
10. On perusal of letter of Gram-panchayat dated 16.6.12 it appears that Grampanchayat Wagholi issued no objection for issuing electricity connection for business purpose. In the name of Dnyandeo Jambhale. Opponent also filed on record consent letter of Ashok Jambhale for electricity supply to Dnyandeo Jambhale dated 1.12.2007. The General Manager, District Industries Centre, Pune issued certificate for business in the name of M/s.Krishna Mudranalaya on 21.6.12. This show that electricity supply was given to complainant for carrying on business. The consumer alleged that, the said business is the only source of his livelihood.
  11. Considering the facts and circumstances on record, we feel that the electricity supply was disconnected without valid reasons. It was not proper to disconnect the electricity supply merely because his brother objected for the same. Admittedly the suit is pending before Civil Court for partition of property. Merely because the name of complainant is deleted subsequently from 8 A register cannot be a reasonable ground to disconnect the electricity supply, during the pendency of Civil Suit. This resulted in deprivation of the right of complainant to carry on his business. No prejudice would be caused to any one, if complainant is permitted to avail electricity supply till final disposal of Civil suit.
  12. The finding of IGRC based on Cl.6.7 (d) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman ) Reg.2006 is not just and proper as the issue before this forum and the nature of remedy sought before Civil Court are not between the same parties, and relief is also not the same.

13. We hold that M.S.E.D.C.L. has disconnected the electricity supply of consumer without legal and proper reasons. The consumer is entitled for the Electricity supply till the rights of members of joint Hindu family consisting of Dnyandeo and other members are decided by court. We pass the following order in the interest of justice.

**ORDER**

1. M.S.E.D.C.L. is directed to resume the electricity supply to complainant within 15 days.
2. No order as to cost.

N.S.Prasad,  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 20/06/2014