



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.36/2014

Date of Grievance : 03.12.2014

Date of Order : 16.02.2015

In the matter of disconnection of supply.

Mr.Dattatraya Ashanna Ande
1103/4, Old No.1174/75,
Bhavanipeth, Near Kamgar Maidan,
Andewada, Pune- 411002.

Complainant
(Herein after referred to as Consumer)

Versus

**The Executive Engineer,
M.S.E.D.C.L.,
Rastapeth Division,
Licensee)
Pune.**

Respondent
(Herein after referred to as

Quorum

**Chair person
Member Secretary
Member**

**Mr. S.N.Shelke
Mr. Y. M.Kamble
Mr.Suryakant Pathak**

Appearance

For Consumer

**Mr.Dattatraya Ashanna Ande
Shri. G.M.Kadale , Executive
Engineer, Parvati Dn.
Shri.Sanjay Ghodake, Addl.Ex.Engr.
Vishtrantawadi S/Dn.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 11.11.2014 passed by IGRC Rastapeth Urban Circle, Pune, the consumer above named files present grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Rastapeth Division, Pune vide letter no. EE/CGRF/PZ/Notice/36 of 2014/44 dtd. 30.01.2015. Accordingly the Distribution Licensee MSEDCL filed its reply on 06.01.2015.
- 4) We have gone through the grievance, say filed by Licensee & perusal of documents. Following factual aspects were disclosed.
 - I. The MSEDCL release the new service connection against consumer bearing No.170013143831 in the name of Anjaya Hanumantu Annantul.
 - II. The consumer had made application to Exe. Engineer, Rastapeth Division, for disconnection of supply of consumer no.170013143831. on 16.8.2014.
 - III. The energy connection bearing consumer no. 170013143831 is standing in the name of Anjayya Hanmantu Ananttul.
 - IV. Address of above mentioned consumer as shown in the MSEDCL bills is as under

S.No.1175, Andewada,
Near Panchahaud,
Bhavanipeth, Pune-411042.
 - V) Address of the present consumer as shown in the grievance application is as under :

1103/4 (Old No.1174/75),
Bhavanipeth, Near Kamgar Maidan,
Andewada, Pune- 411002.
 - VI) MSEDCL has given reply dated 10.09.2014 to the application of the said consumer dated 16.8.2014.
 - VII) The said consumer again made application dtd.17.09.2014 for disconnection of above mentioned supply.
 - VIII) Addl.Exe.Engineer, Rastapeth Sub/ dn. Sort legal opinion details

7.11.2014 from Exe.Engineer, Rastapeth Division as to whether the said supply was to be disconnected or not as per the application of Dattatraya Ashanna Ande.

IX) Present consumer & grievance before IGRC Rastapeth Urban Circle on 30.10.2014 & the said IGRC rejected the said application vide impugned order dtd.11.11.2014.

5. The consumer namely Dattatraya Ashanna Ande was present at the time of final hearing. He submitting that he is owner of the property bearing CTS No.1104, area 58+116/174, sq. war situated at Bhawanipeth, Pune. Previously his grandfather namely Sadashiv Ashanna Ande was the owner of the said property. After his death name of his father & four uncles came to be entered to the said property. The MSEDCL has released supply to Mr.Anjjaya Hanmantu Annatul vide consumer No. 170013143831. However, the said person has no any ownership or tital with the said property. He has not submitted any rent receipt. He has also not submitted consent letter of the owner. The said person give false information to MSEDCL & has obtained the above mentioned connection. Therefore, the said connection to be disconnected.
6. On the other hand MSEDCL was represented by Mr.P.S.Jamdhade, Exe.Engineer, Rastapeth Urban Circle, & Mr.Shendge, Addl.Exe.Engineer, Rastapeth Sub/dn. They submitted that the consumer namely Anjjaya Hanmantu Anantul had submitted following documents before releasing of supply.

- i) A-1 form
- ii) Affidavit
- iii) Adhar Card
- iv) Election Identity card
- v) Ration Card.
- vi) D-1 form

They further submitted that the address of the said consumer as written on the above mentioned documents at Sr.No. 3,4,& 5 is as under .

House No.1103/4, (Old No.1174/75)
Bhawanipeth, Near Kamgar Maidan,
Ande wada, Pune.

They further submitted that the said consumer is occupant of the said house. Regular payer of energy bill, No any order passed by Hon'ble court for disconnection & complainant is not residing the House of 1175 & as per MSEDCL letter No.CE/Com.16647 ddt.12.6.2013, MSEDCL is under legal duty to give supply to the human beings, who are under the shelter with the prima facie evidence of the occupancy of the said structure. Therefore they could not disconnect the said supply.

7. IGRC Rastapeth in the impugned order has held that the supply has been released to consumer namely Anjayya Hamntu Anantul according to provisions of Section 43 of Electricity Act-2003, therefore, the said connection is valid.
8. On perusal of documents placed on record it is seen that MSEDCL has released supply to the consumer namely Anjayya Hamntu Anantul vide consumer No. 170013143831. The said consumer has submitted documents at the time of application viz A-1 form, Affidavit dated 16.12.2013 on Rs.100/- Stamp paper in respect of he will to take supply spending for electric material & service cable wire & will not seek any refund, Affidavit pertaining to he has been residing at the said house & that he had no any proof of ownership of the said house, his Adhar Card bearing no.277792816232, Identity Card issued by Election Commission of India, his ration card, form D-1. The address of the said consumer as written on A-1 form affidavit, Adhar card, Identity Card & Ration Card is House No.1175,Bhawanipeth, Pune. The MSEDCL has confirm, that the said consumer has been residing at the same address about the said consumer has complied with the provisions of Sections 43 of the Electricity Act, 2003 read with Regulation No.4 of MERC (Electricity Supply Code & Other conditions of supply) Regulations, 2005 herein after referred to as the supply code.

9. Regulation 2.2.2 of supply code reads as under
The MSEDCL shall neither be responsible nor liable to ascertain the legality or adequacy of any of such certificate/permissions, which might have been submitted by the applicant/consumer alongwith the Application. Further it shall not verify the competency of the Authorities who so ever might issued such certificate/permissions and shall believe such certificates/permissions to be sufficient & valid, unless proved to be contrary.
10. The present Complainant is not residing at the address given by the consumer namely Anjayya Hamntu Anantul. On the contrary, the consumer namely Anjayya is occupant of the said premises. He has made necessary compliance in accordance with law while releasing supply to him. The present consumer did not produce any order from Competent Court for disconnection of supply. Therefore in view of said legal position The MSEDCL cannot disconnect the supply of consumer No. 170013143831. We do not find any error in the impugned order passed by IGRC, Rastapeth. Therefore Grievance is liable to be dismissed.
11. Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 to 7.12.2014 & CGRF member post was vacant from 1st Nov.2014 to 1st Feb.2015. Hence grievance could not be decided during a period of 2 months.

Hence the order

ORDER

Grievance of consumer stands dismissed with no order as to cost.

Delivered on: - 16/02/2015

Y.M.Kamble
 Member/Secretary
 CGRF:PZ:PUNE

Suryakant Pathak
 Member
 CGRF:PZ:PUNE

S.N.Shelke
 Chairperson
 CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra(E), Mumbai-51.