

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

Case No. 29/2012

Date: 11/12/2012

**In the matter of
Mr.Ramesh Vishnu Khamkar,
264,Narayan Peth, Pune-30**

- Complainant

V/S

M.S.E.D.C.L. Shivajinagar Dn.

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.B.M.Ivare
Member	Shri.Suryakant Pathak

- 1) According to complainant Ramesh Vishnu Khamkar, Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) employee i.e. Junior Engineer, of Modi Ganpati section has disconnected the electricity supply without any reason, in collusion with the land lord during the period between 13/02/2012 to 23/02/2012
- 2) Mr.Khamkar contended that his mother deceased Godavari Vishnu Khamkar married with Maruti Kulkarni after the death of his father Mr.Vishnu Khamkar. Mr. Maruti Kulkarni was residing in the house No. 264 Narayan Peth as a tenant. The electricity connection was in the name of D.K.Thite vide consumer No. 170010295800. Mr. Ramesh Khamkar resides at the said place and pays electricity bills. He used to stay with his mother and after her death, with family members.

- 3) The main grievance of Mr. Ramesh Khamkar (Complainant) is that act of MSEDCL to disconnect electricity supply illegally and irrespective of payment of regular payment of bills. He was required to stay without electricity for 11 days. When Mr. Ramesh Khamkar was requesting for connection of electricity supply Junior Engineer Mr. Veer stated that unless rent receipt, Tax receipt and agreement is submitted, no supply will be given to said premises. Mr. Khamkar moved to various authorities for electricity supply, which was restored on 23/02/2012.
- 4) The main submission of Mr. Ramesh Khamkar is that his electricity supply was disconnected illegally and without notice. Secondly though supply was illegally disconnected, for restoration of the supply he had to face mental agonies and harassment due to inaction by officials of MSEDCL. His prayer is that the matter be inquired into and appropriate action be taken against persons, who were responsible for his harassment.
- 5) MSEDCL contended that the electricity connection is in the name of Mr. D.K. Thite and Maruti Kulkarni was tenant of D.K. Thite. It is contended that premises was in locked condition and no one was staying in the premises. The electricity bill as per C.P.L. of consumer, shows that no use/rare use of electricity is made.
- 6) It is further contended that application for disconnection was made by owner Shri. Rajan Jayant Aundhe alongwith electricity bills of consumer 170010295800 on 31 Jan-2012. The disconnection was made on 21/02/2012 and no one was in premises. It is alleged that, Ramesh Khamkar harassed the officials of MSEDCL by submitting several applications as per Right to Information Act (RTI). It is also submitted that Ramesh Khamkar is not related to tenant who was staying in the premises.

- 7) We have perused the contentions of both sides. Heard both sides at length. The point for our determination is as under.

“ Whether MSEDCL employees illegally disconnected electricity supply of consumer No. 170010295800 ?

Our finding is in the affirmative.

REASONS

- 8) Ramesh Khamkar filed various documents in support of his allegations i.e. Notice dt. 13/02/2012 in hand written form, application addressed to Superintending Engineer, MSEDCL Ganeshkhind Urban Circle Pune dt.21/02/2012, application dt.27/02/2012 addressed to Chief Engineer, applications under R.T.I. Act, Notice dt.30/06/2012 for disconnection of supply to Shri.D.K. Thite.
- 9) MSEDCL produced on record various documents relating to property i.e. sale deed dt. 3rd Jan-1981 between D.K. Thite & Ranjan Aundhe, possession receipt dt. 6th Jan-2012, property extract, extract of mail sent by Mr. Veer, death certificate of Godavari Khamkar, Complaint register, CPL of consumer etc.
- 10) On perusal of the documents on record it is admitted fact that electricity supply was disconnected without issuing notice of disconnection. Secondly the notice dt.30/06/12 is issued even though electricity bill was paid.
- 11) According to Ramesh Khamkar electricity supply was disconnected on 13/02/2012, whereas according to MSEDCL Electricity Supply was

disconnected on 21/2/2012. Mr. Khamkar has produced on record a document titled as notice dt.13/02/2012 written on plain paper, without mentioning the name of person to whom it is addressed as well as name of the person who sent it. The said notice is not signed by any one. The said notice appears to be sent by Modi Ganapati Takrar Nivaran Kendra, Narayan peth, Pune-30. The said notice is in the form of hand writing. It is not clear that the said notice is issued by any person on behalf of MSEDCL. Hence no reliance can be placed on the said notice.

- 12) The MSEDCL produced on record the xerox copy of the fuse call complaint register, which shows that supply of the premises is disconnected on 21/2/2012. The said entry is taken on the complaint registered which is maintained by employees of MSEDCL in performance of their duties. The supply is resumed admittedly on 23/02/2012. Therefore on the basis of documents, it is clear that supply was disconnected on 21/02/2012 and resumed on 23/02/2012.
- 13) The record shows that supply was disconnected without mandatory notice and when no arrears were due from Mr. Khamkar. The MSEDCL is liable to pay compensation as per Clause No.6 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for giving supply and determination of compensation) Reg. 2005. As per SOP consumer is entitle for compensation of Rs.50/- per hour for restoration of supply. Mr. Khamkar is entitled to Rs.2200/- for 44 Hrs. (excluding four hours as per SOP)The MSEDCL has to hold the enquiry regarding in the disconnection in order to verify whether the disconnection was made with malafide intention as contended by Mr.Khamkar.

ORDER

- 1- MSEDCL ordered to pay compensation of Rs.2200/- (Two thousand Two hundred only) to complaint.
- 2- The amount of compensation to be adjusted in future bills.
- 3- No order as cost.

B.M.Ivare,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 11/12/2012