

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

Case No. 32/2012

Date: 29/12/2012

In the matter of  
Shri. Shaikh Munaf Mehboob,  
Shri. Shaikh Mehboob Razzak-PAO  
511, Nanapeth, Pune-02

**- Complainant**

**V/S**

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

**- Opponent**

**Quorum**

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

- 1) The present complaint is filed by Shri. Shaikh Mehboob Razzak as power of Attorney holder of consumer Shri. Shaikh Munaf Mehboob, who is son of Power of attorney holder. The consumer No. is 170012034523 and meter No. is 9001272919 in a premises situated at 511 Nana peth Pune-02
- 2) According to Mr. Shaikh Mehboob, he applied for disconnection of electric supply on 22/06/2012 permanently. Application was considered and final bill was issued on 30/06/2012, which amount was paid on the same day vide receipt No.2021594 dt.30/06/2012. Though bill was paid, the supply was not permanently disconnected. Complainant issued notice to MSEDCL on 09/07/2012 for disconnection. The Chief Engineer also directed to take steps as per rules by issuing letter to Supdt. Engineer, RPUC Pune on 14/08/2012. In pursuance of the letter of Chief Engineer, Supdt. Engineer sent letter to Ex. Engr. on 03/09/2012, but no action was taken for disconnection.

- 3) The complaint was made to Internal Grievance Redressal Cell, RPUC Pune, however the same was dismissed. Being aggrieved by the decision of the Internal Grievance Redressal Cell, the complainant filed the present proceeding before this forum on 01/12/2012.
- 4) According to MSEDCL as Mr. Jahid Abdul Sattar is residing in the said premises. As per law laid down by Hon'ble Allahabad High Court. "Action of electricity department for disconnecting of electricity on the ground of dispute with the landlord was illegal, arbitrary and malafide. Hence MSEDCL has not permanently disconnected the said connection.
- 5) Admittedly Jahid Abdul Sattar is residing in the premises, where the electricity supply is given through con. No. 170012034523. He has raised objection for disconnection of the electricity supply, which he is utilizing as a tenant residing in the said premises.
- 6) The record shows that MSEDCL has been co-operative towards consumer. The application for disconnection filed on 22/06/2012 was immediately considered and officers also immediately directed to concerned persons to take steps towards application of consumer for disconnection on the basis of application since 22/06/2012. However in view of the settled legal position and the law laid down by Hon'ble Allahabad High Court in writ petition No.38285/11 dt.14/07/2011 in a case Devendra Sharma V/s Uttar Pradesh State Electricity Board (U.S.E.B.), the disconnection was not made by MSEDCL. The Hon'ble High Court in the case observed.

"Action of electricity department for disconnecting the electricity on the ground of dispute with landlord was wholly illegal arbitrary and malafide."

- 7) In a similar case of Abhimanyu Muzumdar versus Superintending Engineer and Anr, (W.P. no.423 of 2010 decided on 11<sup>th</sup> February, 2011), full bench of honorable High Court of Calcutta held that a person in settled possession of a property, be it unauthorized occupier, encroacher of any premises and squatters of any premises is free to apply for supply of electricity, without consent of owner and is entitled to get electricity and enjoy the same until he is evicted by due process of law.

In the present case Mr. Jahid Abdul Sattar is residing in the said premises, hence he should enjoy the electricity supply until he is evicted the said premises.

- 8) In the result it is clear that there is no deficiency in service on the part of MSEDCL. The complaint is liable to be dismissed.

#### **ORDER**

- 1) Complaint is dismissed.
- 2) No order as to cost.

B.M.Ivare,  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 29/12/2012