

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM,
AURANGABAD.

Date of Admission 28.08.2012

Date of Decision 17.10.2012

Case No. CGRF/AZ/AUR/U/398/2012./31

1. Praful Hiralal Kapadiya. Complainant.
Kharakuwa, Aurangabad.
Aurangabad.
2. The president,
Shantiniketan, Co-Op, Housing
Society Ltd. Aurangabad.

VERSUS.

1. The Nodal Officer, Respondents.
MSEDCL, Urban Circle,
Aurangabad.
2. M/s GTL Limited,
Franchise of MSDCL.
CIDCO, Aurangabad.

CORAM:

Shri. V.B.Mantri.	Chairperson.
Shri S.K. Narwade	Member/Secretary.
Shri V.S. Kabra,	Membaer.

ORDER.

1. The complainant is seeking relief at the hands of this redressal Forum to
Disconnect Electricity Connection released to plot No. 16 of Shanti Niketan
Co- Op. Housing Society Aurangabad in the name of one Smt. Laximibai
M. Chauhan.

2. The case of the complainant in brief is that, the complainant NO. 1 is the owner of Plot No. 16 and the member of the Shantiniketan Housing Society. The plot No 16 initially was allotted to one Shri R. N. Bhosikar. On his death, the said plot (Flat) was transferred in the name of complainant No. 1. The complainant observed that there are two Electricity connections to the premises. One connection is in the name of Shri Bhosikar where as the another connection is in the name of Smt. Laxmibai M. Chauhan. The dates of connections are 31.12.1972 and 30.4.2011 respectively.
3. It is the grievance of the complainant that, the Electricity connection in the name of Smt Laxmibai M. Chawan has been released by the respondent without verifying the documents.. The said lady Laxmibai is neither member of the society nor she is owner of the flat. The said connection is illegal and as such it is required to be removed. The complainant requested the respondent to remove the connection but it is not removed. Hence the complaint.
4. The respondent No. 1 has submitted his reply and thereby submitted that, the respondent has released Electricity connection in the name of Smt Lamibai as she was in possession of the premises. There is a dispute between the complainant and Smt. Laxibai regarding the possession of the premises. The connection can not be disconnected due to such civil dispute.
5. The respondent No. 2 GTL has submitted the reply and thereby submitted that, there are no outstanding dues as against the consumer Smt. Laxmibai. The connection can be disconnected u/s 56 of the Act only in case the consumer is in arrears of the bills. The consumer, Smt. Laxmibai is in

occupation of the premises. The spot verification team when visited the premises, they found the meter functioning and in working condition. The complaint should be therefore dismissed.

6. We heard submissions of Mr. Kapadiya for the complainant. Miss Kishori Tayade argued for the respondent No. 1 Mr. Borde, Represented the respondent No. 2.
7. Mr. Borde pointed out that the complaint itself is not maintainable as there are two complainants. There are no valid grounds for disconnection. The consumer Laxmibai is not in arrears of the bills. There is a civil dispute between the complainant and the occupier of the premises Smt. Laxmibai.
8. Miss Kishori Tayade on the other hand submitted that, the connection can be disconnected u/s 56 of the Act only in case the consumer is in arrears of the bills. In the present case the consumer is not in arrears of the bills. The meter is in function.
9. Mr. Kapadiya has submitted that, the meter fixed on 30.4.2011. One connection in the name of Bhosikar was already there. The second connection as such is illegal.
10. From the submissions of the parties, it reveals that there is a dispute regarding occupation of Laxmibai. The said Laxmibai appears to be in occupation of the premises. The meter is functioning. The consumer is making payments of the bills. The complainant did not take objection at the time of installation of the meter on 30. 4.2011. The occupier of the premises is consuming electricity and making payments of the bills. The grievance of the complainant is against

the use of electricity by Laxmibai. The consumer Smt. Laxmibai is not made party to this complaint, whose connection is prayed to be disconnected. It is further pertinent to note that when , this Forum proposed to issue notice to the said consumer, whose connection is prayed to be disconnected, the complainant NO. 1 strongly objected for the same. It therefore reveals the complainant is trying to sue the process of this forum as tool to coerce the occupier of the premises to resolve the possessory dispute of the premises. No such prayer thereby can be allowed. The complainants did not come before this Forum to redress their grievance under the provisions of the Act, but for ulterior motive. The complaint as such should be dismissed. This Forum therefore proceeds to pass the following order.

O R D E R.

The Complaint is hereby dismissed.

(Shri V.S.Kabra.)

Member

(Shri S.K. Narwade)

Member/Secretary

(Shri V.B. Mantri.)

Chairperson.

Aurangabad.

17.10.2012.