



**CONSUMER GRIEVANCE REDRESSAL FORUM,
MSEDCL, BARAMATI ZONE, BARAMATI.**

Case No.22/2014

Date of Grievances: 20/09/2014

Date of Order: 10/02/2015

In the matter of Temporary Disconnection

Mr. Prashant Dattatrey Deshmane,
105/85, Uma Nagari, Murarji Peth,
Solapur
Consumer No.3303105115501

Complainant
(Herein after referred as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L., Solapur (Rural),
O&M, Division, Solapur.

Respondent
(Herein after referred As Licensee)

Forum

Chairperson
Member Secretary

Mr. S. N. Shelke
Mr. S. M. Akode

Appearance:-

For Consumer: - 1) Mr. Prashant Dattatrey Deshmane

For Respondent: -

- 1) Mr. V.B. Ubale, Assistant Engineer
Solapur Rural Sub-Division No.1
- 2) Mr. A.G. Neel, Assistant Engineer MIDC Section office,
Chincholi.

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

2. Being aggrieved & dissatisfied by the order dated 30/07/2014 passed by IGRC Solapur circle, the consumer above named approaches the forum on the following grounds amongst others.
3. The papers containing the above grievance were sent by the forum to the Executive Engineer, Solapur (Rural) Division vide letter No. CE/BMTZ/CGRF/4467 Dated 08/10/2014. Accordingly the Distribution Licensee i.e. MSEDCL, filed its reply on 17/10/2014
4. We heard both sides at length, gone through the contention of the consumer and reply of the respondent & documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) The consumer is categorized as LT Industrial Consumer in the name of "M/S Aryanandi Food product " through propritier Mr. Prashant Dattatrey Deshmane connected on 30/10/2007
 - ii) The consumer No. is 3303105115501
 - iii) The sanction load was 10HP & on 30/10/2007 there was above named Sole Proprietorship.
 - iv) On 06/09/2008 the proprietorship was converted into partnership firm consisting of partners Mr. Prashant Dattatrey Deshmane and Mr. Arjun Sitaram Salgar in the name and style as "M/S Aryanandi Food product ".
 - v) On 27/10/2011 the Partnership dissolved at will due to Resignation by Mr. Prashant Dattatrey Deshmane
 - vi) On 28/10/2013 Mr. Prashant Dattatrey Deshmane has given the application for disconnection of supply of "M/s Aryanandi food Products".
 - vii) When section incharge had gone for disconnection of supply, the occupant of the premises Mr. Arjun Siddharm Salgar caused resistance for disconnection of supply.
 - viii) The consumer has regularly paid the energy bills.
5. The Consumer Mr. Prashant Dattatrey Deshmane was present at the time of hearing. He submitted that the partnership was at will. He resigned on 27/10/2011. Therefore partnership is not in existence. He has applied for Temporary Disconnection of the supply of Aryanandi food Products on 28/10/2013. But the supply was not disconnected. He submitted that the Initial Sanctioned load was of 10 H.P. but he noticed that in the month of December 2013, the load of Aryanandi food Products was increased to 30 H.P. as per application of Arjun Sitaram Salgar dated 07/10/2013. Hence he demanded the Temporary

Prashant

Arjun

Disconnection of the supply of Aryanandi food Products as per his application referred to above.

6. Licensee is represented by Mr. V.B. Ubale Assistant Engineer, Solapur (Rural) Sub-division No.1. He submitted that, as per application of Mr. Prashant Dattatrey Deshmane dated 28/10/2013, he informed the MIDC section incharge for Temporary Disconnecting of the supply But when MIDC section Incharge Mr. A.G. Neel the Assistant Engineer went to the site of M/s Aryanandi food Products for Temporary Disconnection of supply. He was resisted by occupant of the premises Mr. Arjun Sitaram Salgar. Due to this, MIDC section incharge issued notice to Mr. Arjun sitaram salgar vide Letter No. JE/MIDC/ No.552 Dated 19/12/2013. The notice was replied by the said occupant of Premises on 23/12/2013 along with 9 documents contending that he is one of the partners of the said firm which is still in existence and the dispute of said property is pending before civil court, Mohol District Solapur .
7. Licensee further submitted that 'If there is no any specific direction for disconnection of supply from the statutory authority or court and the consumer is paying the electricity bills regularly, we cannot disconnect the supply without the consent of the beneficiary i.e. Other partner of the firm'.
8. He referred to the commercial circular No:CE/Comm/No. 16647 Dated 12 June 2013 regarding Disconnection of energy supply given to the unauthorized structures/buildings .The circular reads as

"Under the Universal service Obligation and as per section 43 of Electricity Act 2003 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. MSEDCL has no means to adjudicate upon the perfect legal title or right of occupancy. Therefore, in the circumstances MSEDCL cannot refuse to give supply to the occupants who are ready to fulfill all the requirements as contemplated under Electricity Act, rules and regulations framed there under."

9. Considering above mentioned submissions of both the parties and on perusal of documents placed on record and legal aspects, it is clear that the civil dispute about the disputed premises and partnership accounts is pending vide suit bearing R.C.S. No. 171/2013 before civil Judge S.D. at Mohol between the said consumer and Arjun Sitaram Salgar. The occupant of the said premises is paying the energy bills regularly. Therefore in view of guidelines in the commercial circular referred to above, Licensee can not disconnect the supply of the said premises. Similarly when other partner of the said firm namely Arjun Sitaram Salgar had

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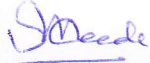
applied for additional load and as per his demand and technical feasibility, additional load was sanctioned and released. At that time the said consumer did not raise any objection in writing. For the reasons stated above grievance is liable to be dismissed.

9) The post of Chairman (CGRF) of this zone was vacant during the period from 28/7/2014 to 07/12/2014. Hence grievance could not be decided during a period of 2 months.

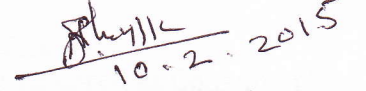
Hence the Order:-

ORDER

- 1) The grievance of the consumer is hereby dismissed.
- 2) No order as to cost.



Mr. S. M. Akode
(Member Secretary)
CGRF: BMT Zone: BARAMATI



Mr. Shahaji N. Shelke
(Chairperson)

CGRF: BMT Zone: BARAMATI

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

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