



(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/128&129/ 598 Date: 29.03.2017

Case No. 128/129/2017

Hearing Dt. 22/2/2017

**In the matter of release of new connection and violation of SOP**

**by respondent utility**

**Mr. Eknath Wadkar and Nanadkumar Sale**

- Applicant

**Vs.**

**M.S.E.D.C.L. Vashi Sub Division**

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri.Tekale Additional Executive Engineer, Vashi Sub Divison.

1. Above named consumer filed grievance initially before IGRC and submitted that they have applied for new connection making application in profarama A1 for the premises occupied as a hawker's licenses on the address given below.

Consumer attached copy of Form No.'A1' copy of receipt payment Rs 500/- 24.08.2015 ,Licenses Food and Drug Administration Maharashtra ,Aadhar card and other document of identification and affidavit on Rs.100/- stamp paper and forwarded application to respondent utility office. After receiving the said application the consumer submitted that the respondent utility as per provision of Section 43 I.E.A.2003 and various guidelines given by Supreme Court and High Court in their judgment and required to followed direction of MERC guideline about issuing of fresh connection and requirement for grant of supply to the hawker's. But respondent utility officer acted wrongly and cause misinterpretation that moving property is not permanent structure within the definition of I.E.A. and therefore supply to the premises cannot be given. Respondent utility also not followed guidelines of MERC issued time to time and the applied new connection was refused by respondent utility .Being aggravated by said action both the consumer approach to the IGRC cell and made their complaint.

2. After receiving the said complaint IGRC registered the complaint vide No.110 &111 on 2016-2017 on dated. 03.01.2017 hearing opportunity is giving on both the parties and on dated. 23.01.2017 IGRC is pass order to dismiss the complaint of both the applicant .Being aggravate by said order both applicant approach to the Forum and file application consumer complaint in Schedule 'A' Consumer attached all the necessary document along with copy of NOC issued by Municipal corporation 'C' ward dated. 03.03.2017 and photograph correspondence letter issued letter address to Superintending Engineer written by Chief Legal Advisor dated 18.10.2011 and copy of circular and guidelines date 12.6.2013.Consumer also filed copy of IGRC order and all other relevant document after filing both the complaint in Form No. 'A' on

dated 21.11.2016 office issued notice to the respondent utility. After service of notice respondent utility appeared and filed reply on dated 14.02.2017. Respondent utility submitted that both consumer filed application for new connection supply single phase commercial consumption of unit involving 500 Watt on the premises situated Bhaji Mandai opposite Sarswat Bank Vashi. The property is hawker's Stall No.1&11 of respective consumer Shri. Nanadkumar Sale and Eknath Wadkar. Respondent utility submitted that after receiving the application of new connection assistant engineer of sub division visited premises on 02.09.2015 in presence of both consumers. Consumer was directed to submit all necessary document showing the valid ownership and proof of occupation of premises. Consumer was also directed as per requirement of Regulation No.2.1 Condition of Supply Maharashtra Electricity Regulatory Commission and Supply Code Regulation 2005 but both the consumer fail the submit proper document. It is submitted by respondent utility copy of photograph submitted by consumer disclosed that the said premises is demolished by NMMC and therefore in absence of proper valid document not submitted the connection was refuse. It is further submitted by respondent utility the consumer suppress the fact the premises is demolishes by NMMC on the location and removed the structure of consumer for renovation of footpath and therefore the respondent utility taken decision not to give supply of this connection. IGRC also directed through additional Ex. Engineer that both consumer required to file fresh application along with concept of NMMC and accordingly the application No.9710180 dated 09.02.2017 and application No.9710253 is dated 08.02.2017 was submitted by consumer latter on and accordingly the quotation was issued to the both the consumer and charges are recovered on 10.02.2017. According to respondent utility LT power supply to the premises required to be release immediately after

completion of formalities as per MSEDCL rule. Respondent utility pray that now the grievance is not in existence therefore the consumer complaint liable to be dismissed with cost.

I have perused the contention of consumer and respondent utility say. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration to which I have recorded my finding to the point further reason given below

- Whether consumer No.1 Shri .Eknath Wadkar and Nandkumar are entitled for new supply connection LT commercial to the premises stall No.1 & 11 Bhaji Mandai, Saraswat Bank Vashi.
- Whether order passed by IGRC is legal valid and proper.
- Whether consumer is entitled for any relief.
- What order?

### **Reasoning**

3. I have given opportunity to the consumer and representative Shri. Suraj Chakraborty appears for consumer I also gave opportunity to additional Executive Engineer of Vashi Sub Division. It appears that both the consumer filed application for new connection in form no. 'A' along with required document. At the time of earlier application the consumer executed bond on 100/- rupees stamp paper as per requirement and deposited legal valid fees. but the connection was not released. The consumer approached to IGRC and made application for release of new connection the grievance was heard by IGRC and judgment is pronounced. It appears from reasoning that IGRC comes to conclusion that the premises are moveable and not permanent structure and therefore no connection can be issued. Thereafter respondent utility appear that they give instruction to both to consumer to file fresh application along with NOC of Municipal Corporation and according new application was

submitted. During pendency of Hearing representative Shri. Chakraborty filed application 08.02.2017 informing to the Forum that he already submitted NOC issued by NMMC for granting new connection and they are having no objection and the respondent utility is considering the said NOC and agree to issue the new connection even the reply given by MSEDCL dated. 14.02.2017 indicates that they are ready to act upon the application consumer and considered the NOC issued by NMMC. The consumer already deposited required charges on 10.02.2017 entire dispute appears that both the consumer wanted to take permanent supply of electricity connection to the premises it is necessary for me to mention that the structure stall No. 1& 11 is no permanent structure there is no valid document granting permission to occupy the premises is filed on record .Therefore the nature of connection should be purely on temporary connection purpose only till the existence of premises stall No.1&11 on given address. It appears at any time the action of demolition and removal of the structure can be effected .As no objection issued by Municipal Corporation 'C' ward office vashi dated 03.02.2017 they have given no objection for giving connection even the respondent utility agreed for the same .Even the new connection is issued to both the consumer it shall not create any lawful right to the consumer to continue the illegal structure and connection shall be purely on temporary purpose till the existence of the structure at premises. Hence I am inclined to allow the consumer complaint and proceed to pass following order.

### **ORDER**

1. The consumer complaint No. 128&129/2017 is partly allowed.

2. Both the consumer Shri. Nandkumar Sale and Shri. Eknath wadkar permitted to obtain temporary connection on the premises stall No1 &11 on given address.
3. The consumer shall not create any legal right on the basis of new connection it is temporary till the existence of structure .The consumer shall liable to pay legal charges to MSEDCL and utility shall recover current bill on monthly basis till the structure is in existence.

No order as to the cost.

Proceeding close.

Both the parties be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

**Note:**

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

**Address of the Ombudsman**  
**The Electricity Ombudsman,**  
**Maharashtra Electricity Regulatory Commission,**  
**606, Keshav Building,**  
**Bandra - Kurla Complex, Bandra (E),**  
**Mumbai - 400 051**

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

**I Agree/Disagree**

**I Agree/Disagree**

**DR. ARCHANA SABNIS**  
**MEMBER**  
**CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR**  
**CHAIRPERSON**  
**CGRF, BHANDUP**

**RAVINDRA S. AVHAD**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**

