

A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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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/

Date

Case No. 66/2016

Hearing Dt. 28.09.2016

In the matter of supply of new connection

Mrs. Parvati Rajkumar Nisad

- **Applicant**

Vs.

M.S.E.D.C.L., Pannalal, Sub Division.

- **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman, CGRF, Bhandup
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri.Pavati Rajkumar Nisad - Consumer Representative

C - On behalf of Respondent No. 1

- 1) Sri. Borikar, Addl. Executive Engineer, Pannalal Sub Division.—Utility representative

Above named consumer filed this complaint against the respondent utility stating that she gave application for new connection on 07.06.2016 No. 7339787 to the respondent utility office. After submitting all necessary document and completing formalities even thereafter respondent utility failed to release the connection to

the premises of this applicant and rejected the claim stating that at the same premises Gala No. 5 is own by husband of applicant Mrs Rajkumar Nisad consumer no 10000415957.The application of supply of new connection given was also rejected by utility stating on the ground as per clause No. 6.8 (a) CGRF and Ombudsman Regulation 2006 case against husband of applicant filed under section 126 of the Indian electricity Act 2003 and said dispute is pending since 18.05.2016.The applicant wanted to extend the supply from Gala No.5 to Gala No.6 (a) and apply for new connection as the matter is subjudice before Civil Court and there are arrears outstanding of previous owner form which said gala is purchase by applicant no new connection can be release .Consumer filed initially this grievance Schedule 'X' before IGRC on 26.10.2015. After receiving the said complaint IGRC registered case No. 103/2016 on dated 21.01.2016 IGRC gave opportunity to the both the party who appears for hearing. The dispute was heard as on 18.05.2016 IGRC gave decision the final assessment bill under section 126 outstanding against the name of her husband Rajkumar Nisad and therefore extension of supply from Gala No.05 to Gala Na. 6A prayer rejected as per clause No. 6(a) MERC Regulation. Being aggrieved by the said judgment the above said consumer filed this grievance before this Forum on 21.05.2016. It prayed by the consumer that new connection may be given to the premises gala no 06(a) to the applicant as per application and set aside the order of IGRC and pray for other appropriate relief.

After fling this dispute notice was issued to the respondent utility after receiving the notice respondent utility appeared and filed Para wise remark on 26.08.2016. It is submitted by utility that no service of new connection with the consumer Parvatidevi Nisad can be release as the copy of agreement APTEL attach with application and inspection of Premises its is found there are PD arrears stands in the name of old consumer Nitin N. Chalke and the arrears was not paid. There is also theft case under section 126 pending against her husband Shri. Rajkumar Nisad for Gala no. 05.The applicant consumer wanted new connection at Gala No. 6(a) applied for commercial connection no document was filed. Where as the

agreement of sale disclose the property purchase by consumer gala No.06 and not Gala No. 6(a).On the said premises is already existence of connection bearing consumer number 1000428226 and therefore no new connection can be release respondent utility pray for rejection of application.

After perusing the contention and objection raised by the consumer and after hearing & the reply of utility following point arose to our consideration. To which we have recorded our finding to the point for the reason below.

Whether applicant Smt. Parvatidevi Nisad entitled for new connection to the premises to Gala No. 6A.

Whether respondent utility can recover arrears for theft u/s 126 of electricity act 2003 pending against her husband Rajkumar Nisad and on that account refuse application for new connection.

What order?

Reasons

The consumer filed details of application for new connection, PD arrears bill issued by respondent utility, copy of CPL ,agreement of sale dated 11.07.2016 between Mr. Nitin Chalke in favor of consumer applicant Parvatidevi Rajkumar Nisad, receipt deposit of PD arrears of Rs. 15230/- dated 22.10.2015 no other document is failed by consumer. Respondent utility filed bill issue on the May 2015 stands in the name of Mr. Rajkumar Nisad Gala No.05 and correspondence of RTI dated 28.05.2016, copy of spot inspection dated 30.07.2016 and 30.10.2016 and copy of application Form No. 'X' . I have perused all the document consumer and respondent utility the point in dispute the respondent utility refuse to give new connection on the ground as the new connection as ked by the consumer on the premises gala No. 6 A no valid document and shop and establishment licensees.

I have given opportunity to the consumer and his representative and authorized officer of respondent utility on dated 22.07.2016 and various date .We perusal of

record it's found the premises on given address the PD arrears recovery bill was shown dated 22.06.2016 amount Rs. 15325/- at the time of receiving application respondent utility recovered PD arrears of the premises which is occupied by the consumer on basis of agreement of sale dated 11.07.2005. There is no dispute the agreement of sale given description and boundary given address on Gala No. 6 where as there is no specification of Gala No. 6 A according to utility the connection which was previously stands in the name of Shri. Nitin Chakle on which PD arrears are pending already deposited by consumer. Therefore connection of utility cannot be considered there are arrears PD pending on the premises and therefore ground of rejection is illegal and improper.

The respondent utility submitted that there is theft case against husband of consumer Rajkumar Nisad who seems to be owner of gala no. 5. The dispute and case under 126 it is alleged to be pending and arrears are shown is not premises in dispute in which the new connection is applied for. Apparently the new connection applied in Gala no. 6 A at the time of hearing it is submitted by consumer the owner constructed pot mala at no. 6 which is already purchase is agreement of sale. Even for shake of event the already connection is establish and was in existence in the name previous owner Nitine chalke . The PD arrears already recovered by respondent utility the copy of bill 22.06.2015 file on record is sufficient. It means that there is no arrears found on the premises the reason of non submitting proper document by the consumer it can be decided while considering the dispute that consumer can be asked to furnish all legal document and shop and establishment licenses or any other valid licenses issued by competent authority can be produce along with From No A application for new connection the said formalities are legal necessary and proper which can be compel to follow by consumer that action of respondent utility.

To my view merely the husband is liable for final assessment dues u/s 126 and case is pending against him other premises cannot be valid ground for refusal of

new connection and therefore action of respondent utility seems to be improper and illegal.

As there is no outstanding arrears found on said premises on Gala No. 06 this is validly occupied by this consumer.

The contention of respondent utility as there is previous connection already installed this connection newly applied by the consumer is for commercial and after compelling all legal and necessary formalities the new connection can be release and therefore I am inclined to allow the complaint of consumer partly and proceed to pass following order. As per Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation, 2006 Clause No 4 and Clause No 8.4 which read as " Every order made by the Forum shall be a reasoned order either in Marathi or English and signed by the members conducting Proceedings" & as per clause 4(c) " one member shall be a representative of a register voluntary consumer protection organization of the area, working preferable for at least five year' on matters concerning consumer grievance ". The member was on long live so delayed in Judgment. Hence order.

ORDER

1. The consumer complaint No. 66/2016 is partly allowed.
2. The respondent utility hereby directed to issued new connection after compelling to complete all legal and formalities required as per law after due inspection of premises within 15 days from receiving of this order.

Proceeding close.

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

Note:

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**

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**