

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 288

Hearing Dt. 08/09/2009

In the matter of wrong released of electric connection

Shri Naseem Ahmed Mohd. Sabir Ansari - Appellant

Vs.

MSEDCL, (TPL) Bhiwandi - Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. KulKarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.

B - On behalf of Consumer

- 1) Shri Shakeel Ansari
- 2) Shri. Naseem Ansari.

C - On behalf of Utility

- 1) Shri. S.V.Kale, Ex. Engineer, Nodal officer Bhiwandi Circle.
- 2) Shri. Gautam Gourav Asstt. Manager (legal), TPL, Bhiwandi.
- 3) Shri. Smt. Sandhya Iyre, Asstt. Manager, TPL, Bhiwandi.

Preamble

This is an appeal against order passed by ICGRU TPL Bhiwandi. Dt. 31/07/2009 in the case of 28/09. Granting new connection to house no. 590/1. The said grievance is registered with forum vide case 288 and hearing was fixed on 02/09/2009 which later postponed to 08/09/2009 on request of Utility.

Appellant say :

Shri Shakeel Ansari pleaded the case during the hearing held on 08/09/09 on the behalf of Appellant as under :-

The appellant stated that house no. 588/2 at Assbibi Kalyan road New kaneri, Bhiwandi is owned by Mohd. Shabbir Mohd. Ishaque Ansari. Who is the father of Shri. Naseem Ahmed Mohd. Sabir Ansari and said House was given on lease for 11 years to Shri Yasin Nasiruddin Ansari on stamp paper executed before the Executive magistrate.

The Appellant further added that Shri Yasin Nasiruddin Ansari has taken Electricity connection in the said premises without knowledge of owner and his consent. Thus the Torrent Power Ltd. has erred in granting this new electricity connection in the premises owned by his father. His request is that the said connection should be immediately disconnected and for the mental harassment he should be compensated by Rs. 25,000/- by Torrent Power Ltd.

He alleged that Shri Yasin Nasiruddin Ansari produced forged documents such as Municipal Tax receipt etc. before TPL to get the electricity connection. He also demands Xerox copies of the documents

submitted by Shri Yasin Nasiruddin Ansari to TPL for getting this new electricity to ascertain the genuineness.

He had approached ICGRU Bhiwandi who directed that a joint survey should be carried out along with him or his representative by TPL within 15 days however the same has still not been done. Thus he could not get justice at that level.

Utility Say :-

Smt. Sandhya Iyer & Shri Gourav Gautam presented the case as under :-

We had received an application for new connection from one Shri Ansari M. Yasin Nasiruddin for 25 HP at 588/2, Aasbib, Kalyan Road, New Kaneri, Bhiwandi on 27/03/2008. On receipt of the necessary charges for new connection and on submission of the relevant documents, the said connection was released after considering the commercial and technical feasibility. The consumer has duly submitted the following documents at the time of registration, photocopies of which are being attached herewith :

- 1) No objection certificate from the owner
- 2) Consent letter
- 3) Rent agreement
- 4) Rent receipt
- 5) Tax receipt
- 6) Identity proof
- 7) Ration card
- 8) Affidavit owner's declaration.

The above documents have been duly sworn before the Executive Magistrate. After conducting the site survey and confirming the location shown by the Appellant and taking into consideration the technical and commercial feasibility the said connection was released in June 08.

The complainant Shri. Naseem Ahmed Mohd. Sabir Ansari has complained for illegal connection released at the above premises and asked for disconnection of the same in ICGRU on 09/04/2009. In this regard the complainant was already been explained during hearing by that a proper trial has been conducted, evidence has to be led and only after that the genuineness/ falsity of the documents can be proved.

For this the complainant will have to approach the criminal court where the authenticity of the documents can be proved by leading evidence.

Further to the order of the ICGRU, a joint site visit with the complainant was also arranged to verify the location of the service on 31/08/2009 and the service address was found to be correct as per the documents submitted. The complainant however failed to prove his say.

Thus in the light of the above matter, it is prayed that nothing ought to be granted against the company (Torrent Power Limited). It is respectfully requested to kindly dismiss the said grievance with cost and strict action should be taken against the complainant for misguiding the Forum.

Observations :

The matter was heard on 08/09/2009 both the parties were present. The Appellant has alleged that the Utility. Provided power connection to one Shri Yasin Nasiruddin Ansari who had produced bogus & forged property documents, the appellant therefore approached the ICGRU of the Utility who heard the matter & passed the order :-

However it appears that the appellant did not turn up for attending the joint survey along with Utility officials to substantiate his allegations.

Forum therefore feels that it is still open for the appellant to attend a joint survey along with Utility officials and take an opportunity to prove his allegations about the Genuineness of the property documents where the connection has been released. The Utility officials are directed to confirm from the Municipal Corporation's record the ownership of the premises. In this survey if the Utility finds that the connection was wrongly released Utility should disconnect the supply following due procedure.

In addition to the above the appellant insist on the Genuineness of the documents produced by him Shri Yasin Nasiruddin Ansari then it amount to a criminal matter. In such case the Forum cannot interfere and the appropriate action will have to be initiated by the appellant with appropriate authority.

ORDER

As observed above the Utility should carryout joint survey along with all concerned parties and the appellant as elaborated in above pars and accordingly report action taken should be submitted to this Forum within 15 days.

If the Appellant finds that the other party has forged the property documents to get the electricity connection he can precede independently under criminal law.

No orders as to cost.

Both the parties are to be informed accordingly. Compliance of this order be reported within 30 days for the date of receipt this order

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 5th October 2009.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP**