



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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**IN THE MATTER OF GRIEVANCE NO. K/DOS/004/683 OF 2011-2012**  
**OF SHRI PANNALAL K. NIRMAL, SAGAV, DOMBIVALI (EAST)**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY .**

Shri Pannalal K. Nirmal  
Gala No. 04,  
Varcha Pada, Sagav,  
Dombivali (East),  
Tal : Kalyan, Dist : Thane

} (Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Assistant Engineer  
Kalyan East Sub-Division No. III

} (Here-in-after  
referred  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a L.T. consumer of the licensee. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 13/01/2012 for Disconnection of Supply.

The details are as follows :

Name of the consumer :- Shri Pannalal K. Nirmal

Address: - As given in the title

Consumer No : - 02150001058336

Reason of dispute : Disconnection of Supply

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/094 dated 13/01/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KCK-I/Tech/0955. Dt. 13/02/2012 and AE/Kalyan(East)/Sub.Dn.III/Tech/1319, dated 26/03/2012.
- 4) A hearing was held on 21/02/2012 @ 15.00 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office and an Interim Relief Order was issued by Forum vide No. EE/CGRF/Kalyan/0147, dt. 21/02/2012. Second hearing was held on 26/03/2012 @ 15.00 hrs. Shri Pannalal Nirmal consumer, Shri Swapnil Patwardhan consumer representative, & Shri Taiwade Nodal Officer, Shri K. M. Jadhav, Asstt. Engr., Shri C. M. Salve Sub-Engineer and Shri Honarao U.D. Clerk representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.

- 5) The brief facts of the case are that in East Kalyan of Sub-Division No. III there is one building by name Shree Samarth Kripa Building, one Shri Balaram Kachru Bhoir appears the original owner of the said building. It also appears this building is divided in four sub-divisions, sub-division No. 2 and 3 appears to have been allotted on rent by original owner to one Smt. Rajkumari R. Nirmal jointly with her husband Shri Rampyare Kalluprasad Nirmal. The present consumer Shri Pannalal Kalluprasad Nirmal is a younger brother of the husband of said Rajkumari R. Nirmal.
- 6) Subsequently it also appears somewhere in the year 2002 or later on out of the entire building which is seen about 240 sq.ft. area, 120 sq.ft. area appears to have been taken on rent by the consumer Shri Pannalal Kalluprasad Nirmal. It also appears from record and from the oral statement made before the Forum that in 2002 a separate divided Gala No. 04 came in possession of consumer Shri Pannalal Kalluprasad Nirmal but for certain years the electricity supply to the premises of Shri Pannalal Kalluprasad Nirmal was from original meter which was having supply earlier to either the gala which was in possession of the original owner Shri Balaram Kachru Bhoir or in possession of Smt. Rajkumari R. Nirmal and her husband.
- 7) In sequence it appears there was certain dispute between Smt. Rajkumari R. Nirmal on one hand Shri Balaram Kachru Bhoir and consumer Shri Pannalal Kalluprasad Nirmal on another hand. So in 2008 regular Civil Suit No. 172 of 2008 was filed in the Court of Civil Judge (J.D.) Kalyan and it is pending as on today. It appears in the said suit temporary injunction application was filed by Smt. Rajkumari R. Nirmal against Shri Balaram Kachru Bhoir and consumer Shri Pannalal Kalluprasad Nirmal. The court was pleased to give directions to the parties to maintain the Status Quo in

respect of the suit premises, it also appears from the documents on record filed by consumer that advocate of consumer Shri Pannalal Kalluprasad Nirmal in that civil suit submitted an undertaking before the Hon. Court that the defendant i.e. Shri Pannalal Kalluprasad Nirmal will not interfere with the possession of plaintiff. It is clearly mentioned in this undertaking "Excluding the possession of defendant No. 2 i.e. Shri Pannalal Kalluprasad Nirmal on suit shop No. 4". We have referred this in detail for the reason that there was some conflict about the actual location of gala No. 2,3 and 4. If we go through the pleading in the plaintiff, the plaintiff i.e. Smt. Rajkumari R. Nirmal has restricted her case of permanent injunction regarding gala No. 2 and 3. As there was little bit confusion about the location of the suit premises, the Court Commission was appointed and as per order dated 29/03/2010 it is made clear that the premises which in possession of plaintiff, there may not be obstruction of the defendant i.e. consumer Shri Pannalal Kalluprasad Nirmal and original owner Shri Balaram Kachru Bhoir. Now it is clear that even the certain portion appears to be in possession of consumer Shri Pannalal Kalluprasad Nirmal i.e. gala No. 04, so the order regarding the restriction was in respect of gala No. 2 & 3 but not in respect of gala No. 4.

- 8) Now subsequently it appears an application i.e. "A-I" form was submitted by consumer Shri Pannalal Kalluprasad Nirmal alongwith necessary documents to have a separate electric connection to Gala No. 04 which appears to be in possession of consumer Shri Pannalal Kalluprasad Nirmal. The survey was made of the premises by the licensee on 15/09/2011 and after due satisfaction on the basis of the documents submitted by the consumer, meter was installed and electric connection was given on 18/09/2011 with consumer No. 021500105833/6. Now again

it appears no sooner there after the said Smt. Rajkumari R. Nirmal being aggrieved as the connection was given to consumer Shri Pannalal Kalluprasad Nirmal approached to the licensee and put her grievance placing certain papers regarding the filed suit against Shri Pannalal Kalluprasad Nirmal and having Status Quo order by the Hon. Court. Licensee appears to have on perusing those documents and order of the Court was confused. She has mislead to the licensee and taken the weightage of para No. 6 of the prescribed proforma regarding the affidavit to be submitted by consumer alongwith the papers to the extent that in case any dispute arises in the said premises, the licensee will have a right to disconnect the connection. So on 22/09/2011 the supply was disconnected. It is really strange to note that the intimation was given to Shri Balaram Kachru Bhoir the owner regarding the disconnection of the meter of consumer Shri Pannalal Kalluprasad Nirmal and taking the No Objection from Shri Balaram Kachru Bhoir that he has no objection to disconnect the connection, the meter was disconnected.

- 9) It is pertinent to note that the authorities of the licensee has not made their mind properly and has not applied their mind towards dispute regarding Civil Suit No. 172 of 2008. It is a suit against owner and consumer Shri Pannalal Kalluprasad Nirmal, licensee is not party to that suit. So according to our view whatever Status Quo order passed by the Hon. Court is not binding to the licensee. In our view it was obligatory on the part of the licensee to issue show cause notice to consumer Shri Pannalal Kalluprasad Nirmal instead of Shri Balaram Kachru Bhoir calling his explanation as to why the connection should not be disconnected. But the said step appears to have not taken by the licensee. We fail to understand when consumer is Shri Pannalal Kalluprasad Nirmal, how and in what

respect the intimation was given to Shri Balaram Kachru Bhoir about the disconnection. This according to us is contradictory to the rules and therefore we have come to the conclusion that the action of disconnection taken by the licensee is illegal and not bonafide. Therefore the said action is definitely liable to be rejected.

- 10) Meanwhile this Forum was of view as prima facie after hearing the parties that there is some misunderstanding by both the sides. We felt it better to continue temporarily connection given to consumer Shri Pannalal Kalluprasad Nirmal as per order dated 21/02/2012. We feel the same Interim order which was passed by this Forum to be confirmed and to dispose the matter accordingly.
- 11) Compensation is claimed by the consumer Shri Pannalal Kalluprasad Nirmal. We are not satisfied with the reasons given by the consumer in his written statement to claim compensation. It appears it was a misunderstanding of the order passed by the Civil Court by the authorities of licensee and with certain bonafide mistake the said action was taken by the licensee. We are not satisfied with any of the reasons given by the consumer, so claim of compensation is hereby rejected and accordingly we pass the following order :

### **ORDER**

- 1) Grievance application is partly allowed.
- 2) The order issued dated 21/02/2012 to reconnect the electricity supply and to continue the same till further orders or final disposal of this grievance is hereby confirmed. However, in case in future if any irregularity is found by the consumer or if there is any breach of rules and regulations by

complainant, then licensee will be at liberty to take action as per the procedure given in the Regulation applicable to the parties.

- 3) The consumer may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- 4) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

Date : 26/03/2012

(Mrs. S.A. Jamdar)  
Member  
CGRF Kalyan

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.K. Chaudhari)  
Chairperson  
CGRF Kalyan