



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/N/032/342 OF 09-10 OF SHRI RAJESH NARAYAN SONAWANE, MHARALGAON REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Shri Rajesh Narayan Sonawane
Chawl No. B, Room No. 9,
Shivani Nagar, Mharalgaon,
Post-Varap, Tal : Kalyan

(Here in after
referred to
as applicant)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer, Construction Sub-Division, Kalyan

(Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "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 (MERC) vide powers conformed 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 Single phase LT consumer of the Licensee. The Consumer is billed as per Residential tariff. The consumer registered grievance with the Forum on 26/10/2009 regarding New Connection. The details are as follows: -
Name of the applicant : Shri Rajesh Narayan Sonawane
Address: - As above
Consumer No : --
Reason for Dispute : - Regarding New Connection
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/850, dt. 26/10/2009 to the Nodal Officer of the Licensee, and the Licensee through Asstt. Engr. MSEDCL Construction Sub/Dn. filed reply vide letter No.
- 4) The Forum heard both the parties on 02/12/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office at length. Shri R. V. Purohit, Nodal Officer, Shri V. D. Kale Asstt.Engr., Shri Bhojane, Asstt. Engr. representatives of the licensee, Shri Rajesh N. Sonawane applicant, and Shri Bhagwan Jairam Garud consumer representative attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5) Applicant contended that he is the tenant in Room No. 9, Shivani Nagar, Mharalgaon, Post : Varap, Kalyan, Dist : Thane, owned by one Bhagwan Jairam Garud resident of Mharalgaon. On 01/10/2009 he applied for single phase new connection to the said room, however, the office of licensee at Kalyan vide letter dt. 16/10/09 refused to give connection contending that theft case has been lodged against the owner

Bhagwan Jairam Garud and he is defaulter of electricity bill. According to consumer he is not concerned with the case and the arrears bills and as he needs electricity, licensee has to supply electricity under the provisions of Electricity Act. Since the prayer of the applicant has been turned down by licensee he has lodged the instant grievance.

- 6) In contra, licensee vide their letter dt. 28/10/09 averred that the owner of the room No. 9, chawl No. 8, Mharalgaon, Shivani Nagar referred to above is in arrears of electricity bill of Rs. 1,13,470. He also committed theft of electricity consequently FIR is lodged against him by Jr. Engr. Kalyan vide FIR No. 1274/09, dt. 24/08/09. It is contended that since a theft case has been instituted against the owner, and that he is a defaulter of the electricity consumption bill, new connection cannot be given as per the rules and regulations of the Distribution Licensee. Consequently licensee prayed to reject the grievance application.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether this Forum has jurisdiction to take cognizance of the grievance ?	NO
b)What Order ?	As per order below

Reasons

- 8) Relying on the rent agreement dt. 17/09/2009 applicant submitted that he has taken the room No. 9 on rent from Bhagwan Jairam Garud and that he needs electricity to the said room. He applied for new connection but it is illegally turned down by the office of the licensee. On

plain reading of this 11 months lease agreement it is notarized by Advocate B. T. Kharat for a period from 01/08/09 to 31/07/2010. This agreement is required to be registered with the concerned office, however, that is wanting. Further more, as per the recent law non registration of such agreement is made punishable. From this point of view this agreement which is not registered as required by Law is redundant.

- 9) It is to be noted that Bhagwan Garud who is said to be owner of the room No. 9 to which electric connection is sought by the applicant present before the Forum submitted that he would face the case of theft lodged against him and the arrears. This clearly point out that Garud is in arrears of electricity consumption bill and that a theft case has been lodged against him. Forum feel that the licensee should file on record arrears bill of electricity consumption and the copy of FIR in support of their case. However, since the owner who is present before the Forum as stated above admit the above position, Forum has no reason to go in details on this.
- 10) On perusal the say of licensee dt. 16/10/09, it is seen meter already installed in the room of Bhagwan Garud has been permanently disconnected and that case of theft of electricity has been lodged against him vide FIR No. 1274/09 under Section 135 of Electricity Act and that he is a defaulter of electricity consumption charges with assessment amount Rs 1,13,470/-. Since owner of the room is prosecuted under Section 135 of the Electricity Act, the instant grievance apparently falls within the ambit of 6.8 of MERC Regulation of 2006 which excludes the Forum from taking cognizance of such grievance. Applicant urged that he is not concerned with the case against owner and that he is a defaulter,

he needs electricity and therefore he filed application for getting new meter of which necessary charge he is ready to pay and under such circumstance licensee is bound to give him supply. Applicant may not be defaulter and he may not be prosecuted, however, fact remains that the room to which connection is sought is the subject matter. On this ground if electric connection is released, tendency to consume electricity as they want and not to pay consumption bill, will increase is harmful not only to the Distribution Licensee but it would certainly defeat the ends of justice.

- 11) On perusal the record and hearing the submissions made by owner Garud and the applicant it seems to avoid to pay arrears both joining hands filed the instant grievance application with malafide intension. In view of the discussion supra and the circumstances on record, we feel application since sans merit apt to be dismissed. Points are answered accordingly and hence the order :

ORDER

- 1) Grievance application stands dismissed for want of jurisdiction.
- 2) The Consumer can file representation against this decision with the Ombudsman at the following address.

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

Representation can be filed within 60 days from the date of this order.

Date : 14/12/2009

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan