



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

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**IN THE MATTER OF GRIEVANCE NO. K/N/025/312 OF 2009-2010 OF**  
**SHRI RAVINDER J. PILLAI, ULHASNAGAR REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**FOR NEW CONNECTION.**

Shri Ravinder J. Pillai  
Bk No. 1041, Behind Ashok Talkies  
Section – 24,  
Ulhasnagar - 3

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Sub-Division No. 3

(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 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) Consumer registered grievance with the Forum on 21/07/2009 for New Connection. The details are as follows: -  
Name of the consumer :- Shri Ravinder J. Pillai  
Address: - As given in the title  
Reason of dispute: New Connection for commercial use
- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/658 dated 21/07/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Sub.Dn.III/UIh-3/1153, dated 10/08/2009.
- 4) The forum heard both the parties on 12/08/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri S. K. Sawale, Dy.E.E., Shri G. K. Pampatil, AE (Incharge N.O.), Shri B. R. Mudliyar, AE, Shri N. N. Shaikh, Jr. Engr. representatives of the licensee & Shri Ravi Anand, Shri S. W. Deshmukh, Shri Rajesh Murlidhar Mirani. representatives of the consumer, attended hearing.
- 5) The CR submits that Mr. Ravinder J.Pillai is a legal occupant of the premises. He applied for new connection and the distribution licensee confirmed to have received the application on 26.6.08. After getting application for new connection, the licensee should have given estimate and alongwith that should have given estimate for works to be carried out and papers required for getting connection. Instead of that the applicant received a letter dated 1.7.09 that the consumer is required to pay Rs.4,05,534, (as arrears outstanding on the previous connection), before

getting connection. The applicant was supposed to get estimate within 15 days i.e. before 11.9.08 but he has not received the same till date which attract penalty as per Annexure of SOP regulations @ Rs.100/- per week. The licensee informed that there are arrears of Rs.4,05,534.63 in the name of one Shri Mandharlal D.Makhija and a court case No.138/2001 is still in process in the name of Shri Dinesh P. Lassi, in the Kalyan Civil Court. The licensee has not mentioned about prays of the earlier owner Shri Lassi and about arrears pertains to which period and to whom it pertains Shri Makhija is sold the premises to Shri Raju Lassi on 10.01.1996 and Shri Lassi sold the same to Shri Pillai and other, in April 07. Therefore there is no connection between Shri Pillai and the licensee in respect of arrears outstanding in the name of Shri Makhija or Shri Lassi. If arrears are outstanding in the name of earlier owner, why action was not taken with the earlier owner within reasonable period or as soon the its Deposit with licensee is exhausted. Now as per Regulation 2003 clause No.10.5, licensee may recover only six months arrears and release new connection in the premises to the new comer. For justifying this, the CR referred Ombudsman's rep.No.81 of 2007 between Smt.Asha S.Londhe V/s MSEDCL and Rep.No.69 of 2009 between Shri Shivkumar R.Prasad V/s BSES&T,(copies enclosed) wherein it is ordered that "the Respondent is entitled to recover the unpaid charges for the electricity supplied to such premises restricted to a maximum period of 6 months as per Regulation 10.5 of Electricity supply Code.

- 6). The CR further stated that in the pointwise reply of licensee stated that the application is received on 25.6.09 and survey is done on 25.6.08 i.e. on the same day When the licensee become this much prompt in their work.

Taking into consideration of general practice of the licensee, it is impossible to carryout survey on the same day. On this argument, the LR submitted that it is true that the survey is done on the same day. Because the consumer had submitted their application by post in the personal name of the Dy.EE instead of Designation, which received in the sub division on 18.6.08. The address was incomplete. The licensee people went at the address, but could not trace the exact location of the applicant. On 25.6.08, one person saying himself as Shri Pillai personally came to the office and handed over the copy of the application. The licensee took him with them to find out the location and thus made the survey on the same day.

- 7). The CR submits that if the arrears found outstanding in the same premises and if the address given in the application is not complete, the licensee would have come at the address which are available in the CPL or in the Bill. The CR submits the earlier owner has registered a court case for charging of excess load penalty charged to him. Not about arrears. Whether there is any directives from the Court to recover the arrears of the outgoing consumer from the incoming consumer? It was the responsibility of the licensee to recover the arrears in time by taking appropriate action. Why new consumer should pay the arrears?. Why the new connection to the new consumer is denied?. Shri Pillai is legal occupant of the premises, so he is entitle for new connection.
- 8). The LR submitted that the application for new connection of Shri Ravindra J. Pillai Bk.No.1041 Behind Ashok Talkies, 24 Section, Ulhasnagar -3 is received by them on 25.6.08 by hand delivery. The address given by the applicant was not appropriate; it was far away from Ashok Talkies. The nearest bill submitted by the applicant alongwith A-1 form was

“Manishnagar” which was also far away from the said premises. Therefore technical survey was carried out in the presence of the applicant, who happened to come in the office on 25.6.09. During the survey it was found that there was a connection given in the same premises to M/s.Plastic Pipe (Con.No.02310662633/8) in the name of Shri Mandharlal D.Makhija. This consumer was in arrears about 7 lakhs. Later a B-80 was passed and revised the excess bill to Rs.4,05,534.63. Then the connection was permanently disconnected in 2006 due to payment of arrears. The premises where the new connection is asked is found demolished condition. There was no shed, room, flat only there were pillars. A permanent structure is required for releasing connection, except in case of temp. const. supply. Moreover the tax receipt submitted by the applicant is in the name of one Shri Prakash Ramchand of year 1994-95 who is no way concerned with the property. In the sale agreement dated 12.4.2007 there are two names viz. Dinesh P.Lassi and Shri Ravinder Pillai..A Special Civil Suit No.138 of 2001 in the Court of Civil Judge, S.D. Kalyan in the name of Shri Dinesh P.Lassi (with the same address and same consumer No.) is still in process in the Kalyan Court. The consumer found using 60.5 HP load as against 10 HP sanctioned load as per inspection report dt. 25.12.2000. The licensee has attended 2-3 hearing in the Court and it is under process. Moreover in the year of 2007 said occupant Shri Dinesh P.Lassi has approached IGRC Kalyan for withdrawal of penalty for 53 HP and penalty of Connected load for the excess load of 60.5HP against sanctioned load of 10 HP and IGRC given its decision that - the Sub Division officers have already passed on a credit of Rs.1,96,920/- and Rs.70,891/- in the month of April 2007. The outstanding amount due as on

May 07 is Rs.4,05,523.02. It is the payable amount as on May 2007. Moreover, you have filed a Court case against MSEDCL in the matter of excess connected load vide case No.139/2001. As the matter is yet to be decided by the honourable designated court, the IGRC is not in a position to entertain your grievance about the excess connected load in view of Regulation No.6.7(d) of MERC Regulation 2005.” . Also there are No. of discrepancies and contradictories in the different sale agreements done time to time and documents submitted. The licensee found some foul, therefore they pasted a copy of the letter on the pillar of said premise. No any valid /legal papers are submitted in his name except copies of No. of different unregistered sale agreements in the different names. As explained above, Shri Ravinder Pillai seems to be not legal owner/occupier for giving new electric connection. Moreover, as per MSEDCL's prevailing rules new connection cannot be given in the premises which is having previous connection arrears.

- 9). The licensee stated that the first agreement dated 2.12.1993 is between Shri Gordhandas Khubchand Khubchandani and Shri Manoharlal Bansilal Makhija. The second agreement dt. 12.4.2007 is between Raju Lassi and jointly done in the name Shri Dinesh Lassi and Shri Ravinder J.Pallai. It is not understood how the property is hold by Shri Raju Lassi in between. No agreement between Shri M.B.Makhija and Shri Raju Lassi is submitted. So it is presumed that the Raju Lassi is present occupant. The copy of the agreement dated 7.8.01 mentioned in this agreement is not enclosed. In the agreement dated 12.4.07 it is stated that the purchaser is the sole and absolute owner of one Complete Pipe Factory, situated at Behind Ashok Talkies, Section 24, Ulhasnagar-4 of 750 sq.ft. area hereinafter called the

“said property”. So it is clear from the agreement that the premises are same which is having previous connection arrears.

- 10). The forum asked the licensee to submit the case papers of Court case, copy of inspection report of excess load detected, with a copy to the CR. The forum also instructed the LR to submit copies of CPL and electric bills for verification of the address.
- 11). The forum also decided to call from the applicant the sale agreements and registration receipts issued by concerned Registrar office. In the agreement for sale dated 12.4.07, in the forth para, it is mentioned that “the vendor jointly purchased the said property with Shri Raju Lassi under an agreement for sale dt.7.8.2001 and they have purchased the same under an agreement of sale dt.11.01.1996 from Shri Manoharlal B.Makhija”. (In the licensee’s letter No.1153 dt.10.07.09, the name of the consumer is given as “Mandharlal D.Makhija). The copy of sale agreement dt. 7.8.2001 may also be called from the applicant Shri Pillai. There is no any valid documents provided to establish that Shri Ravinder J. Pillai is the legal owner of the premises.
- 12). The licensee has submitted the court case papers and inspection report of excess load detected on 12.8.09 at 18.00 hours as demanded by the forum.
- 13). Forum’s Observation : From the study of the papers the observations are as follows :
  - a)The consumer has submitted the documents which have no valid connection with the case such as :
    - (i)The bill for the month of Jan. 08 for Shri Suresh R. Bajaj

- (ii) The bill in the name of Mandarlal Makhija, consumer No. 021510662633 for penalty due to excess connected load for an amount of Rs. 65250 (without any date).
- (iii) The licensee's inspection report dt. 25/12/2000 indicating excess connected load of 51 HP against the sanction load of 10 HP at the premises of Mandarlal Makhija address : Opp. Bk No. 1041/1248, Ulhasnagar-3.
- (iv) A conveyance deed copy between Gowardhandas & Manoharlal Makhija dt. 26/11/1993 for a plot of open plot with a room area 12' X 90' situated at Opp. Bk. No. 1048/1041 Ulhasnagar-3.
- (v) An agreement of sale dt. 12/04/07 submitted by both the parties between Dinesh Lassi and Ravinder Pillai for a sale of Pipe factory having area 10' X 75' with 10 HP motive power load.
- (vi) The consumer has not submitted the relevant paper / sale deed indicating the ownership of the plot by the consumer, one of the sale deed submitted by the consumer. The consumer states that the property was purchased by him jointly with Dinesh Lassi from the previous owner Mr. Manoharlal Makhija in 1996. However, the sale deed between Makhija and Shri Dinesh Lassi / Ravinder J. Pillai has not been produced in the Forum.
- 14) Shri Dinesh Lassi and Shri Revindra J. Pillai will have to submit necessary documents to prove that they are the legal owners of the said premises and complete all formalities as per rules to the licensee, for getting new connection.
- 15) The consumer has not submitted sale agreement and registration receipts issued by concerned Registrar Office till to-day as asked by the Forum at the time of hearing.



- 16) Since the Chairman has tendered his resignation to the post of Chairman, this decision is given by Member Secretary & Member of the Forum.
- 17) After studying the documents submitted by both the parties, the Forum come to the conclusion that the consumer is not entitle for new connection, hence the case is unanimously dismissed.

**O-R-D-E-R**

- 1) The grievance application is dismissed.
- 2) Since the consumer is not entitle for new connection, as described above, the pray of consumer for compensation as per MERC's SOP Regulation 2005 @ Rs.100/- per week for delay for releasing the electric supply, is hereby rejected.
- 3) The consumer can get new connection after compliance as per Para No. (14).
- 4) 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 Bldg, Bandra Kurla Complex, Mumbai 51”*

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

Date : 08/09/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan