



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/020/187 OF 08-09 OF SHRI
DILIP H. LOHANA REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NON
RELEASE OF NEW CONNECTION.**

Shri Dilip Hariram Lohana (Lassi)
Hotel Kashmira, Unit No. 1
Sheet No. 2, Plot No. 338,
Near Bk. No. 1236, Ulhasnagar - 421 004

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer, Ulhasnagar
Sub/Dn. No. IV

} (Here-in-after
referred
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 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 registered the grievance with the forum on dated 27/01/2009 regarding New Connection. The details are as follows: -
Name of the consumer : Shri Dilip Hariram Lohana (Lassi)
Place of connection:- As per A-1 form Hotel Kashmira, Unit No.1, shit No.2, Plot No.358 (Part), Near Bk.1236, Ulhsnagar-4.
Consumer No. :- Not applicable
Reason of dispute:-
Refusal to give new Connection
- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/059, dt. 27/01/2009 to Nodal Officer of licensee. The letter was replied by Licensee vide letter No. DYEE/Ulh-4/Tech/280, 03/03/ 2009.
- 4). The Members of the Forum heard both the parties on 05/03/2009 @ 15 Hrs. in the meeting hall of the Forum's office. Shri Dilip H. Lohana, Consumer & Shri S. B. Mane Dy. Ex. Engr. representative of the licensee attended hearing.
- 5). The consumer submits that he purchased a Hotel named "Kashmira" unit No.1, Shit No.2, flat No.358, near Bk No.1236, Ulhasnagar-4 by sale deed. There was no dues in the ground floor. Therefore he prays to give new connection for the ground floor.
- 6). The consumer further submitted that one and half year back he purchased the Hotel named Kashmira, in the ground floor, in the complex of Smt.Tajumal Ramibai Chimandas, unit No.1, Shit No.2, flat No.358, near Bk No.1236, Ulhasnagar-4. After purchase when he

applied for new connection to the licensee office, they refused the connection stating that there are Rs.18,36,567/- arrears in the name Smt.Tajumal Ramibai Chimandas complex against the theft of energy detected by the Flying Squad Kalyan some time in the year 2001. The supply has been disconnected and the licensee has filed a court case for recovery of these arrears. They said unless these arrears are cleared, he will not get new connection in the premises of the PD consumer. Consumer pleaded that Flying squad raid and detection of theft of energy is in respect of meter pertains to 1st floor of the Complex. There is no any relation of the meter of Kashimira Hotel (ground floor). When we purchased this hotel, we asked the owner whether any dues are pending towards electric supply. He showed us the up to date bills There were no dues on the meter. After purchasing this hotel we rented it to other party to run the same and they have paid the electric bills regularly. This is named shop No.1 in ground floor. However in the sale deed he got the hotel mentioned in it so that he could start hotel. However due to fear of trouble, (because it is a bar) he closed the hotel. The consumer appealed to the forum to instruct the licensee to give the electric supply. The electric bill pertains to first floor is still marked as ground floor. There is no arrears on the meter of ground floor which was disconnected due to closing of the premises. The business was closed in Dec.03 and after Dec.03 no electric bill is paid.

7. As against this, the Representative of licensee submitted that Shri Dilip Hariram Lohana (Lassi) had applied for three phase connection on 10.11.08. During the scrutiny of the case, it is noted that a three phase connection having con.No.021514465077 was given in the name Smt.

Ramibai Chimandas Tejawani in the said premises. The concerned building is of three floors. Electric meters were on ground floor. Each shops in each floor have separate meters. During the inspection by Flying Squad Unit Kalyan, in around 2001, they detected a theft of energy and a assessment bill is issued to the consumer. The consumer did not pay the bill. Therefore the supply was permanently disconnected. The consumer filed Civil suit in the Kalyan Court vide Civil suit No.78/2001 against the assessment. The same was dismissed on 14.3.05 by Hon. Court Kalyan.

8. The representative of licensee further submits that then the licensee approached CE (Comm) and got his approval to initiate court case against the consumer to recover the arrears. Accordingly a Civil Suit has been filed in the Kalyan Civil Court vide suit No.202/06 for recovery of Rs.20,26,845.19. The electric supply was permanently disconnected for want of payment of arrears Rs.11.80 lakhs. In spite of No. of correspondence, the consumer did not pay the arrears. Therefore a court case has been filed against the consumer vide Special Civil Suit No. 202/06. The same is pending in the Court. Thus arrears of Rs.20.26 lakhs are in arrears against the meter or electric connection which in the premises where Shri Lohana applied for new connection, and hence new electric connection in the said premises, can not be released.
9. The licensee vide letter No.363 dt.23/3/09 submitted the case papers with reports of Flying Squad Kalyan in respect of the electric connection in the Hotel Kashmira. It appears from the papers submitted the said letter dt.23.3.09 that earlier there were two electric meters bearing

consumer Nos.021514292644/PC-1 and 02151446507/ PC-1, out of which one meter was on the ground floor and another on the first floor and thus both said meters were pertaining to Hotel Kashmira. During the inspection it was found that theft of electricity was committed in respect of both the said meters and (1) supply was taped through hole to the meter body (2) taken direct connection bypassing the meter. Therefore the supply was disconnected. In respect of both said meters. Necessary FIR was lodged with Vithalwadi Police Station vide Cr.No.90/98 dt.1.9.98. The licensee has enclosed the FS report, recovery sheet, panchanama copies etc. Therefore the statement of the consumer that "Flying squad raid and detection of theft of energy is in respect of meter pertaining to 1st floor of the Complex only and the meter on the ground floor was not involved in the said theft is not correct.

10. Forum observations:

- a). The licensee submitted following papers on 24.03.09 for the forum's scrutiny. Page No.1 to 53 (with CPL for the period March 98 to Oct.2006). From the study of the papers findings are as follows:

The theft of energy found at Hotel Kashmira (Roza Kashmir Beer Bar) on 31.08.98 by Flying Squad was in respect of both commercial metering installations i.e.consumer Nos.21514292644 and 21514465077, FIR was lodged in respect of said theft at Vithal wadi Police Station on 01.09.98 and after Police Panchanama, supply through both the meters was disconnected

by concerned O&M staff and meters were handed over to the police authority.(Annexure-1).

- b). The licensee issued the assessed bill on consumer No. 21514292644 and 21514465077 and same were paid by consumer vide receipts of which copies are at page Nos 25 to 30 on 11.9.98 and 16.9.98.
- c). As per the record it is also noticed that the extension of load was sanctioned to consumer Nos. 21514292644 and 21514465077 and replacement of meter has taken place on 17.9.98.
- d). The licensee claims that at the time when the Flying Squad Kalyan raided the said premises of Hotel Kashmira on 13.2.01, there was only one meter with Con.No.021514465077 / 2 and the electricity was being supplied from the said meter for ground floor as well as first floor of the said Hotel. The Flying Squad detected theft of electricity in respect of connection in the said Hotel and therefore FIR was lodged in respect of said theft, and a bill of arrears of about Rs.20 lakhs was issued to the consumer, the consumer filed suit challenging the said bill but the same was dismissed and thereafter the licensee filed suit for recovery of said arrears against the said consumer Smt.Ramabai Tejawani and the same is still pending in the Court.
- e). Shri Baldev Chimandas Tejawani a constituted attorney of Smt. Ramibai Chimandas Tejawani made an affidavit stating that she is ready to pay the amount equal to 20% of the provisional bill against the theft of electricity and he gave an undertaking to pay the balance amount as per Courts order dated 30.05.2001.

- f) Mr. Baldev Chimandas Tejawani made an affidavit on 2.06.2001 to pay the balance amount for consumer No. 21514465077 by 02.07.2001. He also confirmed that he is aware of the transfer of dues from consumer No. 21514292644 to 21514465077.

Following incidents/events have been taken into consideration for coming to conclusion in the matter of consumer.

- g). The consumer purchased the Hotel "Kashmira" in the ground floor on 6.12.01
- h). As per the consumer's statement the Hotel was purchased and it was rented out to other party to run the same. And they have paid the bills for the same regularly till Dec.03. (i.e. the PD date). This is named as Shop No.1 in ground floor (as per sale deed). The business was closed in December 03 and after Dec.03 no electric bill is paid.
- i). The consumer applied for new 3 phase connection on 10.11.08, but licensee have refused to release the connection on ground that there are arrears on the premises and unless the arrears are paid, they can not release the new connection.
- j). The consumer was asked to produce electricity bills for the period, till Dec.03, as consumer claimed that the electricity charges in respect of the meter on the ground were regularly paid till then. However, the consumer could not produce any bill or receipt of the charges of electricity paid during the said period.
- k). The licensee stated that during the scrutiny of the application of the above consumer it was observed that a 3 phase connection

having consumer No.021514465077 was given in the name of Smt. Ramibai Chimanbai Tejawani in the complex.

- l). The Concerned building is of three floors. Electric meters were on ground floor. For each shops of each floor have separate meters. During the inspection by Flying Squad Unit Kalyan, in around 2001 they detected a theft of energy on two meters pertains to first and ground floors. The first floor meter belongs to Hotel Kashmira (Roza Bar) and assessment bill is issued to the consumer. The consumer did not pay the bill. Therefore the supply was permanently disconnected. The consumer filed Civil suit in the Kalyan Court vide Civil suit No.78/2001 against the assessment. The same was dismissed on 14.3.05 by Hon. Court Kalyan.
- m). The licensee further stated that then the licensee approached CE (Comm) and got his approval to initiate court case against the consumer to recover the arrears. Accordingly a Civil Suit has been filed in the Kalyan Civil Court vide suit No.202/06 for recovery of Rs.20,26,845.19. The electric supply was permanently disconnected for want of payment of arrears Rs.11.80 lakhs. In spite of No. of correspondence, the consumer did not pay the arrears. Therefore a court case has been filed against the consumer vide Special Civil Suit No. 202/06. The same is pending in the Court. In the premises where Shri Lohana applied for new connection, are in arrears of Rs.20.26 lakhs, hence new supply can not be released.

- n). The licensee vide letter No.289 dt.7.3.09 submitted drawing and photographs.
- o). The licensee stated that
- “ 1. ha^Tola kaiSmara hl svatMHa [maart AsaUna daona majalal [maart Aaho. yaa [maartIt p`vaoSa krNyaasaazi dSa-nalya Baagaat laaoKMDI SaTrcal sauivaQaa Aaho va tLmajalyaava\$na pihlyaa majalyaavar jaaNyaasaazi AatUna jalnaa Aaho. saQyaa hyaa [maartIsa kulaUp Aaho. %yaacap`maaNao ha^Tola kaiSmara va klyaaNa janata sahkarl ba^Mk yaa vyaaparl saMkulaacal ek iBaMt ka^mana Aaho. saaobat jaagaocaa nakaSaa va faoTaoga`aFsa jaoDt Aahaot.
2. ha^Tola kaiSmara yaoqao Ealmatl ramalbaa[-icamanadasa tojavaanal yaaMcyaa naavao ga`ahk k`maaMk 021514465077/2 Anvayao 39.30 iklaao va^T qa`l foja ivaja purvaza sal.Tl.malTrWaro idlaolaa haota. sadrhU knao@Sana ho tLmajalaa va pihlaa majalaa yaoqalla vaaprasaazi idlaolo haoto mhNajaoca tLmajalaa va pihlaa majalaa yaoqao svatMHa valja knao@Sana kaya-rt naahlt.
3. id. 13.02.2001 raojal ifrto pqak, klyaaNa yaaMnal ha^Tola kaiSmara yaoqao Ealmatl ramalbaa[-icamanadasa tojavaanal , ga`ahk k`maaMk 021514465077/2 cyaa malTrcal tpasaNal kolal Asata , %yaa izkaNal valja caaorl Asalyaacao ifrto pqak, klyaaNa yaaMcyaa inadSa-naasa Aalao. %yaanausaar %yaaMcaokDUna Baartlya ivaVut kayada sao@Sana 39 va 44 Anvayao iva{lavaaDI paolalsa sToSana yaoqao Ealmatl tojavaanal va

Eal. mahoSā maohrcāMdanal va [tr yaaMcyāa naavao valjacaorlcaā gaunha daKlā kolāā va %yaavaoLI valjacaorl baabat p`aovhijanala balla mhNaUna \$pyao 11.80 laaK [t@yāā rkmaocao balla Ada krNyaat Aalao haoto.

4. sadrhU valja caorlbaabatcao balla \$pyao 11.80 laaK Ealmatl tojavaanal va [tr yaaMnal %yaavaoLI na Barta sahrhU balla maanya naahl mhNaUna %yaaMcaokDUna ma.ra.iva.maMDLa iva\$Qd klyāāNa yaoqalla nyaayaalayaamaQyao 78/2001 Anvayao dāvaā daKlā krNyaat Aalāā.
5. sadrhU dāvyāamaQyao valjacaorlcaō balla BarNaobaabat Ealmatl tojavaanal va [tr yaaMnal jyāā hrktl]pisqat kolyāā hao%yāā %yāā nyaayaalayaakDUna pUNa-pNao foTaLlaolyāā Aahot va sadrhU dāvyāācaā inakala ma.ra.iva.maMDLacyāā baajaUnao laagalaolāā Aaho. %yāācal p`t yaapUval-ca AaplyāakDo saadr krNyaat Aalaolal Aaho.
6. Ealmatl tojavaanal va [tr yaaMnal valjacaorl ba_lacyāā rkmaocāā BarNāā na kolyāāmauLo mau#yā AiBāyāMta ivatrNa , p`kaSāgaD , mauMba[- yāāMcao pHā k`māāMk 41655 , id. 15.11.2006 Anvayao Kalalla p`māāNao rkmaocāā vasaulalsāazl klyāāNa yaoqalla nyaayaalayaamaQyao dāvaā k`māāMk 202/2006 Anvayao Ealmatl tojavaanal va [tr yāāMcao iva\$Qd ma.ra.iva.kM. kDUna dāvaā daKlā krNyaat Aalaolāā Aaho. sadrhU dāvyāācal p`t yaapUval-ca

AaplyaakDo saadr krNyaat Aalaolal Aaho. vasaulal
rkmaocaa saMdBa- Kalalla p`maaNao Aaho :

1	naaovhoMbar 2006 pya-t Asalaolal qakbaakl	\$pyao 1034278.27
2	Aa^gasT 2004 pya-t Asalaolyaa qakbaakl varlla vyaajaacal r@kma	\$pyao 0632766.85
3	saPToMbar 2004 to naaovhoMbar 2006 pya-t AsaNaa `yaa qakbaaklvarlla 18 T@ko p`maaNao AsaNaarl r@kma	\$pyao 0372340.07
	vajaabaakl Anaamat r@kma (-)	\$pyao 0012540.00
	ekUNa	\$pyao 2026845.19

mhNajaoca \$pyao 2026845.19 [tkl r@kma Ealmatl
tojavaanal va [tr yaaMcaokDUna AVap BarNa
Jaalaolal naahl.

7. sadrhU qakbaakl valjacaorl saMdBaa-t AsaUna
Ealmatl ramalbaa[- icamanadasa tojavaanal ,

ha^Tola kaiSmara ga`ahk k`maaMk 021514465077/2 yaaMcao naavao p`laMibat Aaho.

8. Eal. idilap hrlrama laaohanaa (laassal) yaaMnal yaaca [maartlmaQyao mhNajaoca ha^Tola kaiSmara yaunaIT naMbar 1, SaIT naMbar 2 , Plaa^T naMbar 358 Baaga yaoqao navalna qa`l foja valja purvazyaacal maagaNal kolaolal Aaho.

sababa Ealmatl tojavaanal yaaMcao naavao ga`ahk k`maaMk 021514465077/2 ha^Tola kaiSmara yaoqalla valjacaorlcyya r@kmaocyaa vasaulal saMdBaa-t ma.ra.iva.iva.kM.kDUna klyaaNa nyaayaalaya yaoqao Ealmatl tojavaanal va [tr yaaMcao iva\$Qd davaa k`maaMk 202/2006 Anvayao \$pyao 2026845.19 [t@yaa rkmaocyaa vasaulalsaazi davaa p`laMbalt Aaho. %yaa AnauYaMgaanao AapNaasa ivanaMtl krNyaat yaoto kl , Eal. idilap hrlrama laaohanaa (laassal) yaaMcaa navalna valja maagaNalcaa Aja- foTaLNyaat yaavaa.” sahl]p kaya-karl AiBayaMta maraivaivakMila.

]lhasanagar]pivaBaaga k^mp naMbar 4.

- p). On 20.3.09 the forum communicated to both the parties that for physical verification of the facts forum has planed to visit site on 23.3.09 at 12.00 hours and asked the parties to remain present at site at the time of inspection.
- q). The site inspection attended by forum and licensee's representatives Shri S.B.Mane, Dy.E.E. one JE and one Lineman and Shri Dilip Lohana, consumer were present. During the site inspection forum could not find any meter installation, nor any sign

of previous meter installation in the ground floor. The ground floor and first floor are with terrace connected with internal staircase.

- r). The consumer failed to produce any proof to substantiate this claim for having paid the electricity bill upto Dec.03.
- 11). Since this is clear cut theft of energy and the consumer is charged under Section 135 of I.E.Act 2003, this is not coming under purview of the Forum. Moreover the case is pending in the Hon.court of Law, having case No.204/2006. As per Maharashtra Electricity Regulatory Commission (Consumer Grievance Redresal Forum and Electricity Ombudsman) Regulation 2006 Clause 6.7 (d), it does not fall under the purview of forum.
- 12). Moreover it is clear from the record that there are arrears of about 20 lakhs against the earlier consumer of the electric meter in the said premises which has been permanently disconnected and suit filed by the licensee for the recovery of the said arrears against the earlier consumer is still pending. Therefore the licensee is justified in refusing to give new connection to present owner of said premises i.e. Shri Dilip H.Lohana.
- 13). In view of the above discussion, there is no substance in the grievance made by applicant Shri Dilip H.Lohana and the same is rejected.
- 14). Consumer can file appeal against this decision with the Ombudsman at the following address.
- “Maharashtra Electricity Regulatory Commission
606/608,KeshavBuilding, Bandra Kurla Complex, Mumbai 51”*
- Appeal can be filed within 60 days from the date of this order.

Date : 26/03/2009

**(V.V.Kelkar)
Member
CGRF Kalyan**

**(R.V.Shivdas)
Member Secretary
CGRF Kalyan**

**(M. N. Patale)
Chairperson
CGRF Kalyan**