



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/N/00117/931 of 2013-14

Date of Grievance : 21/02/2014

Date of order : 18/03/2014

Period Taken : 26 days.

IN THE MATTER OF GRIEVANCE NO. K/N/00117/931 OF 2013-14 IN RESPECT OF
SHRI SHANKAR RAMRATI VARMA, AT YENUKABAI CHAWL, ASHOK NAGAR,
WALDHUNI, KALYAN (EAST) DIST-THANE, REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW
CONNECTION.

Shri Shankar Ramrati Varma,
At, Yenukabai Chawl,
Ashok Nagar, Waldhuni,
Kalyan (East).

Dist. Thane

.... (Hereafter referred as Consumer)

(Consumer No. **020023038677**)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Nodal Officer, Kalyan Circle-I ,Kalyan,

.... (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri Shankar Ramrati Varma

For Licensee - Shri D.S.Lahmge –Nodal Officer / Executive Engineer,

Shri Thool –Dy.Exe.Engineer

Shri Bharambe-Asst. Engineer

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as

‘MERC’. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulations 2005’. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.’ Hereinafter referred ‘SOP’ for the sake of convenience.

2] Applicant approached this Forum on 20/2/2014 with a grievance that he is tenant residing in the premises for so many years premises, wherein Laxmi Baburao Deshmukh is residing and availing electric supply bearing consumer No. 020023038677 since 9/9/2011. It is contended that he had intimated to the Officers of Licencee on 1/7/2011, not to give any connection therein unless his consent is obtained. Accordingly, he is aggrieved by the act of giving supply to Laxmi though he has objected. Secondly, he has alleged that said Laxmi was using the electricity, by committing theft of it from 1998 to 8/11/2011, which was brought to the notice of Officers of Licencee, who have not cared it but managed to give supply to her, in spite of crime committed, joining hands with her and colluding with her. He has also added a ground about subsequent PD of Laxmibai ‘s meter and result thereof.

3] In this matter, on receiving the grievance application, it was sent to the Nodal Officer along with accompaniments of it vide letter No. EE/CGRF/Kalyan 088 dated 21/2/2014. In response to the said notice, Licencee appeared filed reply on 11/3/2014.

4] We heard both the sides i.e. applicant and Officers of Licencee. Applicant in fact is not having any connection in his own name and he is not a consumer of Licencee. (However, hereinafter for the sake of convenience he is

referred as landlord) On the basis of arguments advanced by both sides, following factual aspects are disclosed:

a] Laxmibai Baburao Deshmukh is a consumer of Licencee staying in the premises of landlord, which is situated at Yenukabei chawl, room No.3, Ashok Nagar, Waldhuni, Kalyan. Said supply is available to her from 9/9/2011.

b] Prior to it in the said premises supply was there in the name of Baburao B.Deshmukh, bearing consumer No.020028901764, which resulted in PD in 1998. Outstanding dues towards said PD were of Rs.1679/- those dues were paid by Laxmibai and thereafter supply is given in her name.

c] Admittedly, on that count in between applicant/landlord and Laxmibai litigation is pending in Kalyan Court bearing Misc. Application No.77/2008. The landlord who attended this matter, contended that litigation filed is for possession and consumer Laxmibai claimed that she is tenant therein. Accordingly matter is subjudice amongst landlord and consumer. Her stay in the premises is an admitted fact. She had filed affidavit while seeking supply and relying on it, supply is given to her by Licencee.

d] Main grievance of consumer is of giving supply to Laxmibai without his consent as he is owner of the premises. Secondly, he has raised dispute about the quantum of amount due as on the date of PD which was manipulated and reduced. Thirdly, the grievance pertaining to theft of electricity by Laxmibai and fourthly, as stated above pertains to subsequent of PD pertaining to Laxmibai.

5] Both the sides made submissions in tune with their contentions, Officers of Licencee in the reply as well as during the argument submitted that supply is given to Laxmibai as she is paid outstanding dues PD connection and she was occupying the premises, facing litigation from landlord side and supply is given to her on the basis of affidavit, wherein she has agreed to, immediate disconnection of supply as soon as Civil Court passes order. In respect of theft etc., contentions are denied.

6] We are now required to consider those aspects, in the light of Electricity Act, 2003 and MERC Regulations. Basically we find main dispute amongst landlord and tenant is pending. As supply is given to the tenant, landlord is aggrieved and we

find landlord in fact, is not a consumer, as per the Provision of Electricity Act. It is not mandatory that there should be no objection from landlord. Though, there is no objection given by the landlord or owner occupancy of premises is important. Accordingly, person having the status of peculiar nature can seek supply from the

Licencee and such supply is given in this matter to Laxmibai without consent of landlord. There is no flaw in it and even otherwise, it is not necessary that always landlord is supposed to take supply or landlord is supposed to give no objection, as per Electricity Act. Any occupier can seek supply and hence in this matter supply was sought by Laxmibai and it was given. Officers of Licencee satisfied with the compliance and hence we find that there is no any reason to find any fault in it. The objection raised by landlord herein tried to contend that his letter dated 7/7/2011, objecting for supply is not replied. We find this is a office routine on administrative side. What is the effect of not replying letter needs to be dealt on administrative side. It is a independent matter to be dealt on administrative side and we are not able to entertain and decide this particular aspect. Secondly, we find, allegation, of the offence of theft committed, by the said landlord is beyond our jurisdiction. Thirdly, quantum of dues of PD is a look out amongst the Officers of Licencee and concerned consumer hence when there is no dispute amongst them the Landlord cannot seek any relief before this Forum. Lastly, it is contended that in the year 2013, there was action of Licencee towards disconnection of supply of Laxmibai and he is making grievance about progress thereof which is not made known to him. We find, it is not necessary to enter into that aspect, as it is totally look out of the Officers of Licencee and consumer. The landlord is not coming in picture, as affected party having status as consumer, before this Forum. Hence this grievance, at this stage for reasons stated above, is to be dismissed

Hence the order.

ORDER

1] Grievance application of consumer is hereby rejected.

Dated:18/03/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadaashive S.Deshmukh)
Chairperson
CGRF, Kalyan

NOTE

- a) The consumer if not satisfied, 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”.

- b) 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”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

