



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/N/035/368 OF 2009-2010 OF SHRI DHAMENDRA RAJNARAYAN MISHRA, KALYAN (WEST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Shri Dharmendra Rajmarayan Mishra
Shop No. 3, Om Sunrise Apartment
Near KDMC Commissioner Bungalow,
Syndicate, Kalyan (West) : 421 301

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West Sub/Dn No. I

(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 complainant registered grievance with the Forum on 06/03/2010 regarding New Connection. The details are as follows: -
Name of the complainant : Shri Dharmendra Rajnarayan Mishra
Address: - As above
Reason for Dispute : - Regarding New Connection
- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/107, dt. 06/03/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan West Sub/Dn No. I filed reply vide letter No. DYEE/KLN(W)/Sub.Dn.I/Billing/712, dt. 22/03/2010.
- 4) The Members of the forum heard both the parties at length on 29/03/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Dharmendra R. Mishra Complainant, Shri G. T. Pachpohe Dy. Ex. Engr., Shri P. K. Taiwade Nodal Officer In-charge, Shri T. A. Davis Jr. Engr., Shri C. S. Sakpal UD 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. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5) The complainant Shri Dharmendra Mishra claims to be the possessor of Shop No. 3, in Om Sunrise Apartment, Near Municipal Commissioner Bungalow, Syndicate, Murbad Road, Kalyan (West). On 26/11/09 he applied to Dy. Ex. Engr. Kalyan (West) for new electric connection to this premises. By letter dt. 02/12/09 Dy. Ex. Engr. replied that the earlier

meter installed in the said premises bearing consumer No. 020020060663/6 was permanently disconnected for arrears of electricity charges and without payment of the arrears, new connection cannot be given. He was also informed that N.O.C. of the owner on record Shri Rajnarayan was not enclosed, therefore his application was treated as cancelled. According to complainant his father purchased the premises in question i.e. flat No. 3 (Shop) from his uncle Shri Jagatnarayan vide register sale deed dt. 18/07/2005 which his uncle had purchased from one Shri Ramchandra Babu Kadam under register conveyance deed dt. 06/03/2000. Complainant repeatedly requested the officials of the licensee and there after to the IGRC to give him new connection but in vain, therefore he lodged this grievance with a prayer to direct the licensee to give him new connection as per the rules.

- 6) Opponent Distribution Licensee contended that one R. Joseph was in possession of the premises in question, vide meter bearing No. 9010047999 in the year 1980. Consumer remained in arrears of electricity charges Rs. 11,934.21 (+) interest Rs. 20,587.41 total Rs. 32,520/- till 1998, therefore his meter was permanently disconnected in the month of January 2009. It is contended that the complainant committing theft took electricity from the consumer No. 020020502640 to his Shop therefore theft case has been registered against him vide CR No. 1946/09 dt. 17/11/09. According to licensee since there is outstanding of electricity bill, new connection cannot be given consequently grievance being without merits be dismissed.

- 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 licensee is justified in not giving new connection to the complainant ?	NO
b)What Order ?	As per Order below

Reasons

- 8) According to the complainant his premises Shop No. 3 situates in Sunrise Apartment, Near Municipal Commissioner Bunglow, Syndicate, Murbad Road, Kalyan (West). He seeks new connection to this premises vide application dt. 26/11/2009, however licensee by letter dt. 02/12/09 replied that for giving new connection arrears of the earlier consumer No. 020020060663 is to be paid. Earlier meter is in the name of Shri Joseph. It is the contention of complainant that he is not concerned with Joseph nor he knows him and that his father purchased the premises in question i.e. Shop No. 3, from his uncle and that his uncle had purchased it from one Shri Kadam in the year 2000, therefore question of payment of arrears of Shri Joseph by the complainant in any capacity does not arise. In this context it is necessary to peruse documents on record since man may speak lie but not the records. CPL placed on record indicates meter was given to one Shri R. Joseph on the address Sindhu Block Kalyan, on 01/05/1980 vide consumer No. 020020060663. Electricity demand bill filed on record shows the same address. It also mentions meter was

permanently disconnected in the month of January 1999 for arrears of electricity bill Rs. 55,980/-. There is nothing on record to show that the meter was installed in Shop No. 3 to which complainant seeks new connection. As per Clause 10.5 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations, 2005 "Any charge for electricity due to the Distribution Licensee which remained unpaid shall be a charge on the premises transferred and occupier of such premises is liable to pay the due amount". According to licensee earlier occupier i.e. Shri Joseph remained unpaid electricity charges and that complainant is seeking new connection to this premises and therefore he is liable to pay arrears before giving new connection. Vide letter dt. 06/04/2010 Dy. Ex. Engr. Kalyan pointed out that Shri R. Joseph consumer No. 020020060663 vide Commercial Circular No. 98, dt. 07/08/2009 is now in arrears of Rs. 44,605/-. As stated above address of the premises given in the CPL and the demand bill does not tally to the premises to which new connection is sought. It is for the licensee to show positively that the outstanding amount is concerning to the premises to which new connection is sought, therefore hardly can be said that new connection is sought to the premises of which owner/possessor is defaulter.

- 9) It is seen from the record meter was given to the then consumer Shri Joseph residing in Sindhu Block Kalyan bearing No. 020020060663 in the year 1980 and that due to flood in the year 2005 according to the licensee entire record has been flown/washed in the flood. Further computer system has been introduced for the first time in the year 1997. According to Licensee meter of this consumer was P.D. in the year 1999. Nothing on

record to show that officials of the licensee took any steps to recover arrears of electricity bill from said Joseph finding his correct address till today nor anything to show that Joseph's premises is the premises of the complainant. It is to be noted that due amount is running in thousands, and that officials of the licensee should have taken steps to recover this huge amount, they cannot be the silent spectator to the scenario of these years.

10) The complainant vide application dt. 26/11/09 pointed out that as there was no meter in the Shop he took electricity from his residential meter to the Shop illegally for which he paid Rs. 33130/- on 17/11/09 as assessment and that according to licensee he charged under Section 135/138 of Electricity Act 2003. Point before us is whether licensee is justified in not giving new connection to the complainant and not the point whether he illegally consumed electricity attracting the provisions under the Act. One of the reasons for not giving new connection is that earlier occupier of the premises is defaulter. However, licensee has not pointed out that the earlier occupier is connected to the premises where new connection is sought, therefore in our unanimous view licensee squarely erred in not giving new connection to the complainant. Under the provisions of the Act and the Regulation licensee is liable to give new connection to the complainant. In view of the position grievance lodged by the complainant carry substance and the same deserves to be allowed. Point is answered accordingly and hence the order :

ORDER

1) Grievance application is allowed.

- 2) Licensee is directed to give new connection to the complainant as per rules.
- 3) Compliance should be reported within one month from the date of connection.
- 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.

- 5) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

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

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” within 60 days from the date of this order.

Date : 27/04/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan