



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/028/334 OF 09-10 OF SHRI NANDU VITTHAL MHATRE, KON REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Shri Nandu Vitthal Mhatre
Ganapati Chowk,
Kon, Tal : Bhiwandi, Dist : Thane

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer, Constn. Sub-Division, under
Kalyan Circle – II

} (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 having connected load of KVA of the Licensee. The Consumer is billed as per Residential tariff. The consumer registered grievance with the Forum on 06/10/2009 regarding New Connection. The details are as follows: -

Name of the consumer : Shri Nandu Vitthal Mhatre

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/840, dt. 06/10/2009 to the Nodal Officer of the Licensee, and the Licensee through Assistant Engineer, Constn. Sub/Dn. Kalyan filed reply vide letter No. AE/CSD/Tech/909 , dt. 20/10/09.

- 4) The Chairperson & Member Secretary of the forum heard both the parties on 10/11/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Nandu Vitthal Mhatre & Dilip Vitthal Mhatre consumer & Shri Purohit Nodal officer, Shri V. D. Kale, AE, Shri P. P. Tendulkar, Jr. Engr., Shri M.M. Upadhaya, Asstt.Engr. representative 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). Nandu Vitthal Mhatre occupier of the Room No. 411, Grampanchayat Kon, Tal : Bhiwandi, Dist : Thane vide application dt. 09/07/09

demanded new meter from the licensee. Alongwith the application he had enclosed affidavit dt. 13/08/09, certificate and tax receipt issued by Grampanchayat Kon dt. 08/09/09. By the letter dt. 18/09/09 licensee directed the consumer to comply the objection raised in the letter, however, it seems without complying the objections the applicant approached this Forum with a prayer to direct the licensee to give him new connection.

- 7) Licensee have serious objection for giving new connection to the applicant. By the letter dt. 20/10/09 Licensee contended that on 02/07/09 one Dilip Vitthal Mhatre and applicant Gajanan Vitthal Mhatre were found committing theft of electricity at the premises for which FIR has been lodged vide FIR No. II-831/09, dt. 02/07/09 and further they were directed by the licensee to pay the consumption of electricity charges Rs. 54,940/-. It is contended that unless the amount of theft electricity is paid, new connection will not be given and accordingly the application of Nandu Vitthal Mhatre was turned down.
- 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 decide the grievance as per Regulation 6.8 of the MERC (CGRF & Electricity Ombudsman) Regulation 2006 ?	NO
b)What Order ?	As per order below

Reasons

- 8) Shri Nandu Vitthal Mhatre who demanded new electric connection from the licensee to his Room No. 411 by the application dt. 09/07/09 enclosed copy of affidavit dt. 13/08/09 mentions that new connection is to be taken by one Nandu Vitthal Mhatre, resident of Kon to the Room No. 411. Complaint filed by Jr. Engineer Shri Shailendra Vitthalrao Gajbhiye, dt. 01/07/09 mentions Vitthal Gotiram Mhatre is not alive. Point arises when Vitthal Gotiram Mhatre was not alive on 01/07/09 how this affidavit was made on 13/08/09 i.e. of the dead person which prima facie shows documents enclosed in support of the application are far from the truth.
- 9) Apart from this, on perusal the record it is seen Jr. Engr. Shri Shailendra Vitthalrao Gajbhiye, lodged complaint of theft of electricity against the occupier of chawl where the new meter is demanded. On that basis FIR No. II-831/09 dt. 02/07/09 came to be registered. Complaint mentions Vitthal Gotiram Mhatre and his sons possess a chawl consisting 10 rooms to which without meter, electricity was illegally taken for which electricity consumption bill of Rs. 54,938=55 was assessed but not paid by them. Consequently it was a case of theft under Section 135 of E.A. 2003. This shows the premises in which new meter demanded is the place of alleged commission of theft. The grievance application pertains to secure power connection to Room No. 411 (chawl), for which case of theft is lodged. Therefore in view of Section 135 of said Act this Forum vide Clause 6.8 of MERC has no jurisdiction to entertain and decide the grievance. Point is answered accordingly and hence the order :

ORDER

- 1) Grievance application is disposed off 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 Bldg, Bandra Kurla Complex, Mumbai 51”

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

Date : 03/12/2009

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan