



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/DOS/001/482 OF 2010-2011
OF MRS. BETTY MOSES FERNANDES, VASAI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT DISCONNECTION OF SUPPLY.

Mrs. Betty Moses Fernandes
A/5, New Indraprastha Co.Op.Hsg.Soc.Ltd.
D. G. Nagar, Bldg. No. 01
Diwanman, Vasai Road West
Dist. : Thane – 401 202

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Vasai Road (West) Sub-Dn.
Vasai, Dist. Thane.

(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 conferred 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 L.T. consumer of the licensee. The Consumer is billed as per commercial tariff. Consumer registered grievance with the Forum on 08/10/2010 for disconnection of power supply of Shri Abdul Salam Ansari. Consumer No. 001690282590. The details are as follows: -

Name of the consumer :- Mrs. Betty Moses Fernandes

Address: - As given in the title

Consumer No : - 001690282671

Reason of dispute: Disconnection of power supply

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/620 dated 08/10/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSIRd(W)/2860, dated 19/11/2010.

- 4) The forum heard both the parties on 07/12/2010 @ 14.15 Hrs. in the cabin of Nodal Officer Vasai Circle, Vasai. Shri Fernandes representative of the consumer & Shri Purohit, Nodal Officer, Shri S. M. Bangar, Shri U. M. Naik, and Mrs. Kiran Nagaonkar, Dy. Ex. Engr. 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 each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.

- 5) One Shri Abdul Salam Ansari possesses Shop No. 01, building No. 01, New Indraprastha Co.Op.Hsg.Soc.Ltd., below the flat of the complainant consumer bearing meter No. C – 6771 consumer No. 001690282590 / 3. According to the complainant earlier there was cycle shop in the said shop No. 01 however lateron Abdul Salam Ansari started illegally fabrication work in the said shop without the permission of the society and against the rules of Pollution Board and Nagarparishad. It is contended that metal fabrication work create air and noise pollution in residential buildings therefore society apprised the licensee to disconnect electric supply of said Ansari. However, instead disconnecting supply officials of the licensee shifted his meter from the A wing of the Society to the Shop and provided a separate overhead supply from Municipal street light pole without the N.O.C. from builder and the society. Due to fabrication work not only the complainant but the members of the society and the adjoining flat holders are put to trouble because of air and noise pollution, consequently society complained to the Municipality and Pollution Department. Chief Officer Navghar Manipur Nagarparishad vide letters dt. 05/01/06, 15/01/06, 29/04/06 informed the licensee to disconnect electricity but the licensee did not respond. Complainant therefore moved the I.G.R. Cell, however by order dt. 12/03/07 I.G.R. Cell pointed out that since the consumer pays the electricity bill regularly, his connection cannot be disconnected and so far air and noise pollution, report from the concerned department will be called. Dissatisfied with this, complainant lodged this grievance with prayer to direct the licensee to disconnect the electricity supply of said Ansari since fabrication work in shop create air and noise pollution and that running of

such shop in the society's premises is dangerous to the safety of life and property.

- 6) Licensee filed reply dt. 19/11/10 contending that Abdul Salam Ansari having Shop and Establishment Licence, doing business of repairing and fabrication. This shop is below the flat of complainant consumer in the society. Due to fabrication work electric load to the other electric connection holders in the building since adversely affected, on the application on depositing necessary charges his meter was shifted to his shop from the society wing and the electric supply was given to his shop from nearby pole. It is contended since consumer pays the bill regularly, his supply cannot be disconnected, consequently grievance being devoid of substance be dismissed in limine.

7)

Points	Findings
a)Whether by running fabrication and repairing work in the shop of the society create noise and air pollution ?	YES
b)Whether fabrication shop in the premises of society is dangerous to the life or property ?	YES
c)Whether it is proper to direct the licensee to disconnect supply of electricity to Shop No. 01 ?	YES
d)What Order ?	As per Order below

- 8) At the outset the learned representative for the licensee submitted that the present complaint does not fall within the definition of "Grievance" as mentioned in Clause 2.1 (c) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity

Ombudsman) Regulations 2006” consequently it deserves to be disposed off. We have gone through the definition of “Grievance”. Clause 2.1 (c) states “Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensee as specified by the Commission and includes inter alia (a) safety of distribution system having potential of endangering of life or property, and (b) grievances in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.” According to the complainant consumer No. 001690282671 below her flat there is Shop No. 01 where business of repairing and fabrication is carried out by Shri Ansari consumer No. 001690282590/3. Due to fabrication work, air and noise pollution is created and that for the safety of members of the society also this activity is dangerous therefore complainant complained to this effect to the Municipality and the Maharashtra Pollution Control Board. Chief Officer Navghar Manikpur Nagar Parishad going through the complaints received from the Society and the adjoining residents, by letters referred to above apprised the Dy. Ex. Engr. Vasai Road to disconnect the supply of Shri Ansari but nothing is done. Regional Officer of Maharashtra Pollution Control Board Thane by letter dt. 06/07/10 also informed the Executive Engineer Vasai that considering the noise level due to fabrication work there is possibility of causing trouble / nuisance to the adjoining residents.

This clearly indicate due to fabrication work in the shop to which licensee supplied electricity create air and noise pollution and that such activity is dangerous to the life / property. On the premise it is apparent since activity of the consumer in the shop No. 01 to which electricity provided by the licensee is having potential of endangering of life or property and that definition of Grievance includes inter area safety of distribution system having potential of endangering of life or property squarely falls within the definition of "Grievance" as stated supra.

- 9) So far disconnection of electricity supply of Shri Ansari as prayed by the complainant consumer, considering the order of the Chief Officer of the Nagar Parishad and letter dt. 06/07/2010 of the Maharashtra Pollution Control Board Thane, since the fabrication work create air and noise pollution and in general this activity is dangerous to the life and property, inspite of repeated complaints, it is not understandable and for the reasons best known to the officials of the licensee, did not disconnect the supply of Shri Ansari. Therefore going through the voluminous complaints and the reports referred to supra, we feel proper to direct the licensee to disconnect supply to such fabrication business carried out in the Shop No. 01. Points are answered accordingly.
- 10) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order.

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) Licensee is directed to disconnect electric supply of Shri Abdul Salam Ansari consumer No. 001690282590/3 Shop No. 01, within 10 days and compliance should be reported to the Forum within 30 days from the date of receipt of this order.
- 3) The Consumer can file representation against this decision with the Hon. Electricity 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”.

- 4) 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”

Date : 08/02/2011

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan