



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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Date of Grievance : 05/04/2013  
Date of Order : 27/05/2013  
Period Taken : 52 days

**IN THE MATTER OF GRIEVANCE NO. K / N / 105 / 837 OF 2013-2014  
OF SANTOSH DAGDU BORGE OF ULHASNAGAR, DIST-THANE  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM  
KALYAN ZONE, KALYAN ABOUT NEW CONNECTION**

Shri Santosh Dagdu Borge,  
BK.2121, New Nehru Nagar,  
New Hill Line Police Station,  
Ulhasnagar 421 005, Dist-Thane  
Consumer No.021514448890  
P.D. Meter in the name of Raju Vithal Shinde

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Exe.Engineer, Ulhasnagar Sub-Division-V  
Ulhasnagar

(Here-in-after  
referred  
as Licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This 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. The 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. Applicant is seeking new connection in place of P.D. meter standing in the name of Raju Vithal Shinde bearing consumer no.021514448890. He registered Grievance with the Forum on 05/04/2013 for new connection.
3. The batch of papers containing above grievance was sent by Forum to Nodal Officer of Licensee on 5/4/2013. Licensee filed reply dated 26/4/2013 on 30/4/2013.
4. This matter is taken up for hearing. Mr Mantri, representative of Consumer attended and on behalf of Licensee Nodal Officer, Shri Giradkar and Asst. Engineer, Shri Kasal attended. Both of them are heard [Hereinafter Applicant is referred as "Consumer"].
5. On the basis of submissions made and records available the following factual aspects are disclosed:-
  - a) The Consumer / Applicant claims that he is residing in the premises which was of Shri Raju Vithal Shinde who was having residential electricity supply from Licensee. This is bearing consumer number no.021514448890 from 2/3/1997 but resulted in P.D. on 31.12.2000.
  - b) Consumer, i.e. present Applicant addressed letter to the Dy. Exe.Engineer, Sub Divn.-V, Ulhasnagar-V on 14/12/2012 for giving new connection in his name as the premises wherein P/D connection was there is sold to him under Sale Agreement dated 27/2/2004. Accordingly he enclosed required 'A-1' Form and copy of ration card and tax receipt of Municipal Corporation.

- c) The said application is replied by the Officers of Licensee on 2/1/2013 communicating that the Consumer /Applicant is to submit an affidavit on stamp paper of Rs.100/- and to pay total dues to the tune of Rs.217,683/- which includes P/D arrears of Rs.68,887/-and interest up to Dec. '12 to the tune of Rs.148,796/-.
  - d) Aggrieved by it, the Consumer approached the IGRC on 27/12/2012. As IGRC not decided the matter in time, the Consumer/ Applicant approached this Forum on 5/4/2013.
  - e) In this matter, in response to the notice issued to the Licensee, reply is filed by the Officers of Licensee on 30/4/2013 and Nodal Officer further confirmed it under his signature today, i.e. 20/5/2013.
6. In the light of above, we tried to find out the status of Applicant / Consumer and it is now seen from copy of CPL produced by the Licensee, P/D connection was in the name of Shri Raju Vithal Shinde. However, Consumer had applied for new connection in place of that P/D connection on 14/12/2012 contending that he is a transferee of that particular premises. In this light we tried to find out whether legally the present Applicant is a transferee. Copy of notarized agreement to sale is shown to us and it is clarified that it is not a registered document, even one copy of Irrevocable Power of Attorney prior to the said Agreement of Sale is shown to us, but it is also not speaking about any consideration written in it to make it Irrevocable. Accordingly as soon as the alleged sale deed is brought into effect then the said Irrevocable Power of Attorney loses its value. Accordingly, we noticed that for a new connection in the new name of the present Applicant in place of P/D meter in previous Consumer 's name then there should be a effective legal transfer of property which is not seen in this matter. Consumer on this basis had sought the relief

that he is ready to pay arrears for six months and hence new connection be given.

7. We in the light of above clarification and submissions made by the Consumer's side Mr. Mantri was not able to throw any more light before us about the legal status of Applicant consumer as claimed by way of transfer. We find basically new connection can be given only on the basis of valid transfer. The Officers of Licensee lost sight of it and sought from consumer affidavit on the stamp of Rs.100/- and payment of dues with interest. We find that status of Applicant Consumer is not of a valid transferee hence prayer for connection in his name cannot be granted.
8. During the course of submission, Representative of Consumer Applicant submitted that he may seek relief as a person claiming through the original owner. We find course is available for making appropriate application in the name of original Consumer whose name is in the record of Licensee and at that time he may seek appropriate relief as claiming through the said person as residing there, such claim of the original owner is to be dealt in the light of present rules and regulations.
9. Hence the Consumer /Applicant is at liberty to seek appropriate relief appropriately by making application afresh which the Officers of Licensee are to consider in the light of available rules and regulations. In result we find this grievance cannot be now dealt and finding can be given, it is to be dismissed.

Hence the order.

**O-R-D-E-R**

- a) Grievance application of Consumer is hereby disposed off as Consumer is not valid transferee of the premises wherein P/D connection is existing.

- b) As observed above the Consumer is at liberty to seek new connection for and on behalf of previous Consumer on the authority of the said Consumer which the Officers of Licensee are to consider appropriately.
- c) 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.
- d) “Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.
- e) 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:-
- f) “Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 27/05/2013

**I Agree**

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

**(Sadashiv S. Deshmukh)**  
**Chairperson**  
**CGRF Kalyan**