



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 30/05/2012

Date of Order : 23/07/2012

Period taken : 53 days

IN THE MATTER OF GRIEVANCE NO. K/N/096/724 OF 2012-2013 OF
M/S. ASCEND TELECOM INFRASTRUCTURE PVT. LTD., ULHASNAGAR
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT NEW CONNECTION .

M/s. Ascend Telecom Infrastructure Pvt. Ltd.
Khatri Bhavan,
O. T. Section Road
Ulhasnagar : 421 003

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Ulhasnagar Sub-Division No. III

(Here-in-after
referred
as licensee)

- 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) The applicant consumer registered grievance with the Forum on 30/05/2012 for New Connection.

The details are as follows :

Name of the consumer :- M/s. Ascend Telecom Infrastructure Pvt. Ltd.

Address: - As given in the title

Consumer No : -

Reason of dispute : New Connection

- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0435 dated 30/05/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/Tech/2923, dated 26/06/2012 through Nodal Officer Kalyan Circle – II.
- 4) We the Members of the Forum heard both sides in the meeting hall of the Forum’s office on 26/06/2012 and 06/07/2012. Licensee represented by Nodal Officer Shri Giradkar, Shri V. H. Kasal, Asstt. Engr., Shri Shendge Dy. Executive Engineer. On behalf of consumer Shri Dinesh Madane and owner of premises Shri Bhojraj were present. Herein after applicant is referred as Consumer.
- 5) Matter is discussed. We heard both sides. Consumer has taken premises from Shri Radho B. Khatri on 14/03/2012 and sought electric connection in his name on the premises taken on licensee by presenting

application on 27/03/2012. However, his application is replied on 04/04/2012 by Dy. Executive Engineer Ulhasnagar – 3 and it was communicated that meter of consumer No. 021519007522 of Shri Bhojraj K. Hirani is now permanently disconnected (PD) and arrears of said consumer are required to be paid. Those are to the tune of Rs. 01,81,034=96. Accordingly his request was not referred to IGRC but the said Executive Engineer entered into correspondence with the Legal Advisor and there after matter reached this Forum on 29/05/2012.

It is contended, in the compliance to the suggestion of officers already Shri Radho B. Khatri has filed his affidavit before the concerned authority undertaking that if anything transpires connecting his liability for dues, he will be responsible.

In this matter on behalf of Licensee reply is submitted by said Executive Engineer and it is now clear that total dispute is about the H.T. connection of aforesaid consumer which is P.D. as the address of the P.D. consumer and address of the present consumer is same, accordingly objection is taken.

As disclosed from the record of Licensee connection is given to M/s. Bhojraj Hirani factory at Khatri Bhavan, Opp. Ulhasnagar Railway Station, Dist – Thane. Now it is disclosed that there is a building namely Khatri Bhavan in a vast area wherein one Khemee Dyeing and Bleaching Industry is functioning having two L.T. connections and one H. T. connection. Even at present existing Khatri Bhavan building is having Ground + three floors with nine electric connections. Numbers of those connections are stated, copies of those energy bills are also produced. Those are in the name of

Raju Bhojraj Khatri, Smt. Kaki Bhojraj Khatri, Manish Daulatram Khatri, Pitambar Khatri, Hitesh Pitambar Khatri.

It is also clarified that these connections are given respectively on 11/07/1997, 11/07/1997, 10/09/2005, 12/03/2004, 26/01/2006. Now an attempt is done to find out whether in Khatri Bhavan any other connections given other than Bhojraj Hirani which is P.D. It is submitted on behalf of Licensee as on this date there are no any details available about the said compound to point out exactly at which place connection was given to Bhojraj Hirani which was a H.T. connection. No doubt an attempt is done on behalf of Licensee's officers to find out the address of Bhojraj Hirani, it is stated as 'Asandas and Sons, Ulhasnagar'. In fact to show the address, in the Corporation record, there is no such reference to Khatri Bhavan Compound or Khatri Bhavan as stated. Accordingly it is the contention of present consumer and Radho B. Khatri that P.D. meter of consumer No 021519007522 has no any relation with Radho B. Khatri. Radho B. Khatri claims that he has built up the building in the year 1993 and there after five meters are already given, one is standing in his own name and now he has given premises to the consumer wherein applicant consumer is Licensee, has erected a tower and seeking independent meter. Now question comes up whether there is any relation amongst connection against Bhojraj Hirani and Radhomal the son of Bhojraj Khatri ? we find no such link is established as on this date.

It is submitted that already against Bhojraj Hirani legal proceedings is taken out, decree is passed, however, further development is not yet known whether it is concluded or not. At this stage we find that no link is

established about Rathod B. Khatri has any connection with the Bhojraj Hirani whose connection is P.D. having arrears more than one lakh. Secondly as Rathod Khatri & his family members are already provided with a connection as stated above independently. No doubt if any claim arises and required to be complied Rathod Khatri is ready to bear those expenses and has already filed affidavit before the officers of the Licensee.

Under such circumstances we find consumer's requirement cannot be denied & connection is to be given. Refusal of Licensee is without any base. We find by way of abundant precaution as the consumer being a Licensee and promises, he is also to be asked to file an affidavit undertaking to pay the liability if any arises, due to the P.D. connection of Bhojraj Hirani. Accordingly we find grievance of consumer is to be redressed and Licensee is to be directed to appropriately process the aspect and grant the connection within prescribed time after completion of requirements.

Hence we pass the following order :

O-R-D-E-R

- 1) The grievance of present consumer is upheld and towards its redressal Licensee is directed to grant connection as prayed after completing necessary requirements, within prescribed time.
- 2) Further consumer to file affidavit with the Licensee on the same lines of the affidavit of the owner Shri Rathod B. Khatri undertaking to pay the liability if any arises in future due to the permanent disconnection of consumer Shri Bhojraj Hirani.

- 3) Both sides to submit compliance report within 60 days from the date of this order. However, 60 days is a outer limit and without waiting upto 60 days Licensee is to be comply things as prescribed in the Regulation.
- 4) The Consumer if not satisfied 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”.

- 5) Consumer, as per section 142 of the Electricity Act, 003, 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 : 23/07/2012

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan