

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

Date of Grievance : 19/07/2013
Date of Order : 12/08/2013
Period Taken : 24 days

IN THE MATTER OF GRIEVANCE NO. K/N/106/857 OF 2013-14 OF SMT. MEENA SUBHASH JADHAV OF HIRAGHAT, ULHASNAGAR-3 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION

Smt. Meena Subhash Jadhav,
H/No. 3000008017700,
Babasaheb Ambedkar Society,
Behind Barrack No.1166,
Hiraghat, Ulhasnagar 421 003

(Here-in-after
referred
as Applicant /
Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Exe.Engineer, Ulhasnagar S/Dn-III

(Here-in-after
referred
as Licensee)

Appearance : - C.R. – Shri V.S. Garud
For Licensee - Shri Giradkar, Nodal Officer,
Shri Shendge, Dy Exe. Engineer
Shri Mhatre, Asst. Accountant

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission Consumer Grievance Redressal Forum & Electricity Ombudsman Regulation 2006" to redress the

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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 Consumer is seeking new connection from the Licensee. Consumer registered grievance with the Forum on 4/7/2013 for new connection not given.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0364 dated 22/7/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 3/8/2013 & 8/8/2013.
4. We heard Consumer's Representative, Shri V.S. Garud and Shri Giradkar, Nodal Officer, Shri Shendge, Dy. Exe. Engineer and Shri Mhatre, Asst. Accountant. Read reply filed on 3/8/2013 & 8/8/2013 considering these, this matter is to be decided.
5. The present Applicant had sought new connection by filing application on 17/1/2013. On the very day she has filed application agreeing to pay any bill outstanding, if, it is in her name for the said premises. In this light it seems that Dy. Exe.Engineer has sought a report from the officer on 23/1/2013. Reply received stating that previous Consumer, viz. Shri Laxman D. Jadhav was there, and he was having connection bearing Consumer no. 021510309836. It resulted in P.D. on 3/11/1999. It seems inspection of the said premises was done on 11/7/2011 and as stated above in reply to the Consumer's application for new connection, Dy. Exe.Engineer on 12/3/2013 made it known to the Applicant that there was a previous supply in the name of Shri Laxman D. Jadhav and there are arrears to the tune of Rs.1,55,000/-. It is contended that the said payment is to be done if new connection is to be given.

6. During initial hearing, on behalf of Consumer it was submitted that Consumer is not in relation with the said Shri Laxman D. Jadhav. It was contended that Consumer is occupying the premise which is nothing but an encroachment and it is in the hutment. It was claimed that towards the occupation she is paying Municipal taxes and tax receipt is produced which is of 11/10/2012. It covers the dues from 6/6/2010 to 24/4/2011 and therein Property Number is stated as 30C0008017700 and name of occupier is written as 'Meena D. Jadhav'. In this light C.R. had submitted that the previous connection, which is said to be there, was not pertaining to the premises wherein the Consumer is seeking supply. In other words he contends that previous Consumer's premises and premises of present Applicant are quite different.
7. However, during initial hearing, on behalf of Licensee it was contended that considering the address available in the record pertaining to 'Shri Laxman D. Jadhav' as per Electricity bill dated 29/1/1997 is 'Shri Laxman O. Jadhav, Opp. B.K. 1166, Ambedkar Nagar, Ulhasnagar'. Further the said address is seen from the inspection report. It is also same, the name is written as 'Shri Laxman D. Jadhav'. Even from CPL name is reflected as 'Shri Laxman D. Jadhav'. The present applicant had given her address in the application filed before this Forum along with House no. stated above in the tax receipt as 'Babasaheb Ambedkar Society, Behind Barrack No.1166, Hiraghat, Ulhasnagar'. In her application for supply, she has given address as 'Babasaheb Ambedkar Society, Ulhasnagar'. In the tax receipt address is 'Powne Chowk, Near Barrack No.1166, Ulhasnagar'. In the reply dated 12/3/2013 by Dy. Exe.Engineer address of Applicant as shown as 'Behind Barrack No.1166,Hiraghat'.
8. Accordingly we had perceived that dispute seems to be of location and property number. We were to find out whether previous owner was occupying the same

premises and we had asked the Officers of Licensee to place on record, if available, the precise property number to which connection was given.

9. During initial hearing, at the end, on behalf of Licensee, decision of this Forum in Case no. K/N/090/670 dated 27/2/2012, was placed on record, pertaining to the same Consumer. It is in the name of the present applicant 'Meena S. Jadhav' and there is reference to previous Consumer 'Shri Laxman D. Jadhav' and in clause no. (b) of para no.9 relation is stated as the brother-in-law of the present Applicant. C.R. was made aware of this fact, and was asked to go through this particular order and make further submissions.
10. Accordingly, as noted above, today, on behalf of Licensee, additional reply filed on 8/8/2013 is clarifying the position wherein it is contended that previous final order in case no. K/N/090/670 dated 27/2/2012 pertaining to this Applicant only, and hence as per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman Regulations) 2006 in clause no.6.7(d), this Forum cannot entertain the same grievance which is already decided.
11. This provision is brought to the notice of C.R. and on behalf of Consumer, C.R. conceded the factual aspect that previous grievance bearing no.K/N/090/670 of 2011-12 is decided on 27/2/2012 pertains to this Applicant. Accordingly he submitted that his submissions on the previous date were on the basis of just information received but now he verified the position and he is agreeing / conceding to the fact that previous matter is decided and accordingly he conceded to the legal position that that as per the above clause of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, the Forum cannot entertain the present grievance.

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12. As discussed above, facts are clear. Matter is already decided pertaining to applicant, hence we are required to dismiss this grievance. We wish to add herein that in the previous matters same was the property number quoted by the Consumer, placing on record the receipt of tax paid. Accordingly, we are clear about the identity of the property number also.
13. Further C.R. gave vent to his feeling that this previous matter is decided on 27/2/2012 but till this date, no any bill is issued as per the said order and orally dues are disclosed. On behalf of Licensee it is submitted that attempts were made to hand over the bill as per previous order but Consumer was not accepting as and when these were tried to be tendered.
14. We are clear that both parties have their own course available. If the Consumer is aggrieved towards non compliance of the order of this Forum, she can approach MERC and it is the duty of the Licensee to ensure that orders are complied if not thought otherwise. At least we expected that progress ought to have been submitted to this Forum. However, this Forum is not made aware of the compliance of the order passed, so called bill prepared and act of Consumer not accepting. If it would have been communicated to this Forum then it would have depicted fairness of the Licensee.
15. We find that the second grievance, reached due to not making things clear in time by the Licensee to this Forum. We hope that things will be taken care of in the required spirit. In result this grievance is to be dismissed.

Hence the order.

O-R-D-E-R

For the reason stated above, this grievance is dismissed as per the clause 6.7 (d) of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

Date : 12/08/2013

I Agree

I Agree

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

(Chandrashekhar U. Patil)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

(This order dictated and declared in presence of both sides on 12/8/2013 which is transcribed today and signed by us).

Note:-

- a) 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.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) 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 & Electricity Ombudsman Regulation 2003” at the following address:-

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