



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

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**IN THE MATTER OF GRIEVANCE NO. K/N/029/338 OF 2009  
- 2010 OF MRS. ANITA GIRISH GURNANI, ULHASNAGAR,  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL  
FORUM KALYAN ZONE, KALYAN AGAINST REFUSAL TO  
GIVE NEW ELECTRIC CONNECTION.**

Mrs.Anita Girish Gurnani  
shop No.1, Varsha Apartment  
Ashok Cinema Road,  
Ulhasnagar, 421 003

} Here-in-after  
referred  
as Applicant)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Ex. Engineer, Sub Dvn. III  
Ulhasnagar – 3, Dist : Thane

} (Here-in-after  
referred  
as non applicant)

- 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). The details are as follows: -  
Name of the Applicant :- Mrs. Anita Girish Gurnani  
Address: - As above  
Consumer No : - New consumer  
Reason of dispute: Release of new commercial connection to shop.No.1
- 2) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/794 dated 09/09/09 to Nodal Officer of licensee. The licensee through Nodal Officer filed reply in the form of a copy of the letter dt. 09/10/2009 sent by the Dy. Executive Engineer, MSEDCL., Ulhasnagar S/Dn. No. III to the Nodal Officer as a point wise reply to the grievance application filed by the consumer before this Forum.
- 3). The applicant Smt. Anita Gurnani, claims to have purchased the shop No.1 referred to above in the month of March 09. On

25.8.09, she made application for getting new single commercial having load of 6.5 kW to the said shop. The office of the licensee at Ulhasnagar, apprised the applicant that earlier, meter No. 399830, billing No.BU-4171, consumer No.02510393331 was installed in the shop. The said meter was permanently disconnected as arrears of electricity bill of Rs.1,74,376.72 was not paid. The applicant instead depositing the arrears, lodged grievance with this forum to direct the licensee to release her connection.

- 4). In contra, the licensee contented that earlier meter No.399830 was installed in the name of one Smt. Nirmalabai Lalwani, vide connection No.02510393331. The meter was permanently disconnected in Nov.04 for payment of arrears of electricity bills Rs.1,36,226/- which amount alongwith interest comes to Rs.1,74,376.72. Said Smt. Nirmala Lilwani had lodged grievance bearing No. 306 of 2009 alleging the bill was excessive, however, this was turned down by the forum and now by fake agreement dt. 04.03.2009 to avoid to pay the arrears of electricity, on the instigation of defaulter, Smt. Anita Gurnani filed the instant grievance application. It is contended that the applicant since not legally vested with ownership rights and hence unauthorized person has no locus to file the application for getting new connection.

- 5). 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 the licensee justified in rejecting the application for releasing new connection to shop No.1.?	Yes
b)What order?	As per order below.

### **Reasons**

- 6). According to applicant Smt. Anita Gurnani she purchased Shop No.1 vide agreement dated 09.03.2009 and that now she needs single phase commercial connection having load of 6.5 KW to the said shop, and same be released. Alongwith this application, she filed copy of unregistered sale agreement. On perusal of this agreement, it is seen it is notarized, consideration worth is running in lacs. However it is, unregistered. Vide section 49 of Registration Act, the sale deed is compulsorily registrable. It is surprising to note that one Smt. Nirmala T. Lilwani vide grievance application No.306 of 2009 had challenged the electricity bill contending it was excessive. This grievance was registered with this forum on 01.07.09 i.e.

subsequent to the above referred sale deed. In this grievance application, Smt. Nirmala Lilwani, nowhere made mention on the sale deed referred to above. This shows the sale deed dt.9.3.09 on which basis applicant Smt. Anita Gurnani, claims connection, is fake one made with animous to avoid payment of arrears.

- 7). As stated above, Smt. Nirmala Lilwani in whose name the meter was installed earlier in the shop No.1 had filed grievance application No.306/2009 challenging the bill excessive. However, the forum vide order dated 02.09.09 directed her to pay arrears in order to get new connection. However, instead of depositing the arrears, this grievance came to be registered for the obvious motive to give go bye to the claim.
- 8). The applicant urged with force inviting our attention to the application dt. 26.10.09 that applicant vide Clause 10.5 of MERC Regulation 2005, is ready to pay 6 months billing amount and the office of licensee is bound to release new connection. This clause states :

“ Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner/occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the

legal representatives/successor-in-law or transferred to the new owner/occupier of the premises, as the case may be, shall be a charge on the premises transmitted to the legal representatives /successors-in law or transferred to the new owner/occupier of the premises, as the case may be , and the same shall be recoverable by the distribution as due from such legal representatives or successors-in-law or new owner/occupier of the premises, as the case may be:”

- 9). Smt. Nirmala Lilwani in her grievance application No.306/2009, nowhere averred that Smt. Anita Gurnani vide deed dt.9.3.09 came in possession of the Shop clearly indicates that applicant is concerning with the consumer who had committed the default. Their Lordships of the Hon. Supreme Court in case M/s.Amit Product (India) Ltd V/s Chief Engineer (O&M) Circle and others reported in 2005 (5) All M.R. 968(SC) ruled that refusal of connection can not be questioned when the defaulter is concerning with the claimant of new meter. In the case in hand, as mentioned above, applicant joining hands with the defaulter filed the instant grievance therefore hardly she gets benefit of provision 10.5.
- 10). For the reasons discussed supra therefore we are of the considered view that applicant in collusion with defaulter to

whom the forum already vide order dated 2.9.09 directed to pay arrears, with intention to avoid payment of arrears filed the instant grievance. The licensee is thus perfectly justified in directing the applicant to pay the arrears of the electricity before giving new connection. Grievance application since devoid of substance apt to be dismissed. Point is answered accordingly and hence the order :

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

- 1) Grievance application is rejected.
- 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 Building, Bandra Kurla Complex, Mumbai 51”*. Representation can be filed within 60 days from the date of this order.

Date : 07/12/2009

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan