

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**M. S. ELECTRICITY DISTRIBUTION CO.LTD.****(NAGPUR ZONE – RURAL) NAGPUR.**Application/Case No. CGRF/NZ/Rural/ **42** of 2007

- Applicant : Sau. Kalpana Ajabrao Wankhede,
Ward No.15, Chandrapur Road, Mul,
District : Chandrapur.
-- VS --
- Non-applicant. : 1.Executive Engineer/Nodal Officer
Internal Grievance Redressed Unit, Circle Office,
M.S.E.D.C.L., Chandrapur.
2.Exe.Engineer, CC O&M Dn. MSEDCL,
Chandrapur.
- Quorum : 1.Shri S.J.Bhargava,Member-Secretary,
2.Shri M.G.Deodhar,Member.
- Appearance. : 1. Shri Ajabrao Wankhede,
(Representative of Applicant)
2. Shri R.G.Bhongade,EE/NO
3. Shri A.G.Shrigadiwar,A.E.
(Representatives of non-applicants.)

ORDER

(Passed this 14th day of May, 2007)
(Per Shri S.J.Bhargava, Member-Secy.)

The present application has been filed on 3/4/2007 in form schedule 'A' under Regulation 6.4 of MERC (CGRF&EO) Regulations, 2006 (hereinafter called the Regulations). The grievance of the Applicant is non-receipt of new residential connection to her house at village Mul from M.S.E.D.C.L. Before approaching this Forum, the Applicant has approached to the S.E.,O&M Circle, Chandrapur on 18/5/2006 and also approached under same subject matter to J.E. , MSEDCL, Mul Dist.Chandrapur on 25/11/2005, 12/5/2006 and 5/11/2006 and no remedy was provided to her. On receipt of above application, the Forum gave an acknowledgement as required under Regulation 6.6

of the Regulations. The copy of the grievance application alongwith enclosed papers were sent to the non-applicants for submission of their parawise comments as required under Regulation 6.7 and 6.8 of the Regulations. Parawise comments were received on 16/4/2007, copy of which was given to Applicant, notices were served to both the parties and heard both the parties on 30/4/2007.

The Applicant was represented by Mr. Ajabrao Wankhede. Shri R.G.Bhongade, E.E. and Shri A.G.Shrigadiwar,.A.E. represented the non-applicants.

1. The representative of Applicant informed that on 16/5/2005 Applicant submitted A1 Form for new D.L.F. connection to J.E., Mul, M.S.E.D.C.L. and reminded in writing on 25/11/2005 that her application is not processed. She was intimated by J.E.,Mul in writing on 6/5/2006 that already two connections are existing in house No. 379 at Mul one D.L. connection No. 453454017611 and one C.L. connection No. 453458029797 on the name of her husband and releasing on her name one D.L. connection will lead to slab benefit in tariff category (charging of units at lower rate) and she has to submit partition deed. The representative argued that why for a mere D.L.F. connection partition deed is required. She approached vide letter No. Nil date. 12/5/2006 to J.E., Mul with a letter from her husband for releasing new connection on her name and ownership of house by him on 20/- stamp paper. Similar matter was written to S.E.,Chandrapur on 18/5/2006. S.E.,Chandrapur vide his letter No.585 date 5/8/2006 took the same stand taken by J.E., Mul. On 30/11/2006 she has submitted tax receipt of C.O. date.6/2/2007 showing new house No. 379/1 on her name Sau Kalpna Ajabrao Wankhede with form 43 that she is the owner of premises No.379/1. As no result was forthcoming she approached the

Forum. Representative of Applicant have also shown list of consumer in village Mul in which some connections were given in the name of husband and wife for the same house and strongly protested that indiscrimination was being done to the Applicant.

Applicant contended that M.S.E.D.C.L. is not giving connection to the Applicant despite submission of all required certificate on 30/11/2006 and she is passing through undue harassment for which compensation of Rs.10,000/- to be paid and direct M.S.E.D.C.L. to release connection within stipulated time limit.

The non-applicants informed that new house of Applicant is on 1st floor of old house bearing No. 379 at Mul and there are two connections existing in the premise. One D.L. connection No. 453454017611 and second C.L. connection No. 453458029797 is on the name of her husband. To release new connection on this premise will be providing slab benefit to the consumer in D.L. category hence the company has asked to Applicant whether their family is now divided family vide letter Nos. 10/5/2006, 5/8/2006 and 16/9/2006. Till the required documents are submitted by the Applicant, new service connection case can-not be processed. The main contention of non-applicants was that now the Applicant has submitted tax receipt of Nagar Parishad that she is the owner of premises No. 379/1 but not submitted any partition deed. For new connections the company accepts Nagar Parishad owner-ship documents but as connections are already existing in premises No. 379 which is the ground floor of the house, the partition deed is to be submitted. In support of their documents they enclosed one circular No. 23425 dated 12 May, 2000 issued by C.E.(Comm)MSEB, Mumbai. Non-applicants informed that no two

connections on the same name for the same purpose and in the same premises can be given as per rule.

Forum has gone through the written and oral submission of both the parties and has to decide that whether 379/1 house No. owned by Sau Kalpana Ajabrao Wankhede should be treated as separate premise other than the house No.379 owned by Ajabrao Wankhede which is on the first floor of the house. The Forum also enquired with the representative of Applicant that at present what is the position regarding power supply to House No. 379/1 and representative of Applicant informed that the power supply is extended to House No 379/1 from existing D.L. connection of House No.379. As such the house No. 379/1 is not without electricity.

As per condition of supply approved by MERC and it is in force from 20/1/2005 any person can apply for new service connection and either Applicant is to submit ownership of the premises or N.O.C. of owner of premises. In this case Sau Kalpana Ajabrao Wankhede is the owner of 379/1 which is a separate premise and paying Nagar Parishad tax in her name. The M.S.E.D.C.L. has been provided ownership of house by tax receipt and form No.43 on 30/11/2006 i.e. her application is completed on same date. In view of the present Regulation in force the Applicant is owner of 379/1 and eligible for new service connection as name of Applicant and premise is different. Further the said house No. is not without power till to date. The Forum also asked the non-Applicant that what is the average consumption or consumption pattern of existing D.L. connection which will be bifurcated but they could not give any figure. Regarding comment of Applicant that similar connection

(on the name of husband and wife in same house) are existing in Mul, they informed that they are to be clubbed but could not cite any case of clubbing.

In view of the above position and circumstances, the Forum unanimously pass the following order.

ORDER

1. The new D.L. connection in the name of Applicant for house No.379/1 should be released after payment and other formalities within one month on receipt of this order.
2. The Applicant for award of compensation is rejected.
3. Parties to bear their own cost.
4. Applicant is disposed off accordingly.
5. The compliance should be submitted to C.G.R.F., NZ(R), Nagpur.

MEMBER

MEMBER-SECRETARY

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L.(NAGPUR ZONE – RURAL)NAGPUR**

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CGRF/NZ/R/

Date:

Certified that this is the true and correct copy of the above order.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ-R)MSEDCL
N A G P U R

Copy to:

1. Sau. Kalpna Ajabrao Wankhede, Ward No.15, Chandrapur Road,Mul, Dist-Chandrapur.
2. The Chief Engineer, NZ, MSEDCL, Nagpur.
3. The Exe.Engineer/NO, I.G.R.C.,Circle Office, Chandrapur.
4. The E.E., C.C.(O&M)DN., M.S.E.D.C.L., Chandrapur.

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Office of -

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