

**Before Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/085/2006

Applicant : Smt. Puspa Janbaji Chapke,
Qtr. No. 4/1, 176, V.H.B. Colony,
Raghuji Nagar,
Nagpur.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Mahal Division,
Nagpur representing the MSEDCL.

Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

2) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal Forum, NUZ,
MSEDCL, Nagpur.

ORDER (Passed on 17.01.2006)

The present grievance application has been filed on 27.12.2005 by the present applicant as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-release of new electricity connection to the premises namely quarter No. 4/1, 176, Vidarbha Housing Board Colony, Raghujinagar, Nagpur.

The facts, in brief, of the case, are as under:

The premises in question are owned by Maharashtra Housing and Area Development Authority Nagpur hereinafter referred to as MHADA.

The premises namely, block no. 4/1 presently occupied by the applicant un-authorisedly, was given on rental basis to Kamgar Samaj Sikshan Sanstha by the Housing Board Nagpur way back in the year 1970. There-upon, electricity meter was installed at block no. 4 / 1 in the name of Sahayyak Sacheev, Kamgar Samaj Shikshan Sanstha, Nagpur now known as Shramik Vidhapeeth, Nagpur. The present applicant is living in the quarter No. 4 / 1 since last many years un-authorisedly. Director of Shramik Vidhyapeeth, Nagpur has issued notices to the applicant for vacating the quarter since she has been occupying the same un-authorisedly. However, the said quarter is still in the applicant's possession for which she had sought for a new electricity connection from the non-applicant.

On receipt of application for a new connection from the applicant, a demand note of Rs.2501/- was issued by the non-applicant to her which she paid on 26.07.2005. The demand note was issued by the non-applicant evidently with a view to release electricity connection to the applicant at quarter no. 4 / 1. However, since the Director of Shramik Vidhyapeeth wrote a letter to the Section Engineer of the non-applicant Company, Juni-Shukrwaray, Mahal Zone, MSEDCL, Nagpur on 08.08.2005 objecting to the release of a new connection to

quarter No. 4 / 1 on the ground that this quarter and quarter No. 4 / 2 are still legally possessed as a tenant by the Shramik Vidhyapeeth, the non-applicant informed the applicant that the connection sought for by her can not be released.

Being aggrieved by this decision, the applicant filed a complaint on 07.11.2005 before the Internal Grievance Redressal Unit under the said Regulations. The Unit, thereupon, informed the applicant by its letter, being letter 4563, that the electricity connection asked for by the applicant can be released only upon production of No Objection Certificate from the Vidarbha Housing Board, Nagpur.

The applicant was not satisfied with this reply and hence she filed the present grievance application before this Forum under the said Regulations.

The matter was heard by us on 16.01.2006. Documents produced on record by both the parties are also perused & examined by us.

The applicant's case was represented by her nominated representative Shri V.S. Agre.

The contention of the applicant's representative is that the applicant had applied to the non-applicant for releasing a new electricity connection to her and, thereupon, the non-applicant issued a demand note for Rs. 2501/- which she duly paid on 26.07.2005. He added that the applicant is duty-bound to provide the new connection to her since she has already paid the demand note amount.

He added that the applicant is staying with her family in quarter No. 4/1 for the last more than 15 years without electricity. The

applicant had also produced before the non-applicant copies of property tax receipts to show that she is possessing the premises in question.

It is also the contention of the applicant's representative that the applicant had filed all the documents whichever were demanded by the non-applicant for the purpose of releasing the connection. He has also produced during the course of hearing a letter, being letter No. 1163 dated 14.02.2005, issued by the Estate Officer of MHADA by which the applicant has been asked to file application in the prescribed form for regularisation of her possession in quarter No. 4 / 1 and 4 / 2. He has also produced a copy of his application, being application No. 8003, addressed to MHADA for transferring the quarter in question in her name.

Relying on these documents, the applicant's representative has strongly contended that the applicant is entitled to receive the electricity connection since she is staying in these premises and since she has already applied to MHADA for regularization of her possession.

He lastly prayed that the electricity connection sought for by the applicant be released to her without any further delay.

The non-applicant has stated in his parawise report that the present applicant is found to be occupying quarter No. 4 / 1 illegally for the last 10-15 years. The premises in question were rented out by Vidarbha Housing Board to Kamgar Samaj Shikshan Sanstha now known as Shramik Vidhyapeeth and erstwhile electricity connection was also in the name of this Institution. According to the non-applicant, although a demand note was issued to the applicant and the demand note amount was also paid by her, the connection sought for cannot be released because of the illegal occupancy of the applicant. He

has also stated that Shramik Vidhyapeeth, Nagpur has objected to releasing new connection to the applicant on the ground that the premises in question are still legally possessed by them. The electricity connection for quarter No. 4 / 1 and 4/2 has been permanently disconnected due to failure of Shramik Vidhyapeeth to pay the electricity dues outstanding against these premises.

He lastly prayed that the applicant's grievance application may be rejected.

We have carefully gone through all the documents produced on record by both the parties and also all submissions, written and oral, made before us.

The main question to be decided in this case is whether the present applicant is entitled to get the electricity connection.

There is no doubt that the present applicant is occupying the premises in question un-authorisedly. This is abundantly clear from MHADA's letter dated 14.02.2005, a copy of which has been produced before us during the course of hearing by the applicant's representative. The applicant can not be termed as a legal occupant of the premises in question unless her possession is duly regularised by MHADA by transferring it in her name.

The applicant had applied to MHADA in March, 2005 for transferring the premises in question in her name. However, her legal possession is not yet regularised by MHADA.

It is pertinent to note that the applicant herself has mentioned in the prescribed application filed by her before MHADA that the original holder of the premises in question is Shramik Vidhyapeeth, Nagpur. Even the MHADA's Estate Officer's letter dated

14.02.2005 confirms that quarter No. 4/1 and 4/2 were leased out to Shramik Vidhyapeeth, Nagpur.

The fact, therefore, remains that at present the applicant is not the lawful occupier of the premises in question.

In this connection it is necessary to see what the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 here-in-after referred-to-as the Supply Code Regulations provide for in the context of releasing a new electricity connection.

Regulation 5.4 of the Supply Code Regulations provides that, after inspection referred to in Regulation 5.1 is carried out, the Distribution Licensee shall intimate the applicant of the details of any works that are required to be undertaken, the charges to be borne by the applicant thereon in accordance with Regulation 3.3 and list of outstanding documents and consents / statutory permissions required to be obtained by the applicant.

In the instant case what is essentially required is the consent / statutory permission of MHADA which the applicant has not been able to produce.

Mere filing an application before MHADA will not suffice the applicant's purpose.

Hence, the non-applicant's action of not releasing the electricity connection to the applicant is quite in tune with the Supply Code Regulations.

The only lacuna on the part of the non-applicant is that a fool-proof enquiry was not conducted before issuing the demand note to the applicant. Nevertheless, the record of the case proves beyond doubt that the applicant is not the legal occupier of the premises in question

and hence we do not think it proper to change the decision of the Internal Grievance Redressal Unit.

In the result, the applicant's grievance application stands rejected.

Sd/-
(M.S. Shrisat)
Member-Secretary

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR**