

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

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**Case No. CGRF(NUZ)/051/2007**

Applicant : Smt. Ritabai Krushnarao Kshirsagar  
At Khalasi Lines,  
Near Lala's Garden  
Nagpur.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Civil Line Division, NUZ,  
Nagpur.

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

2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

3) Shri S.J. Bhargawa  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 26.10.2007)**

The present grievance application has been filed on 04.10.2007 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of illegal permanent disconnection of her service connection, being S.C. No. 410010454569, without serving any notice on her and in respect of non-restoration of her electricity supply and also in respect of allegedly illegal sanction and release of a new meter to one Shri T. Balkrishna Ramayya Tantulwar in the premises owned by her. She has requested that her supply of electricity may be restored after reinstalling the electric meter which was permanently disconnected earlier and compensation awarded to her because of illegal act of the non-applicant. She had also prayed for taking action against officers responsible in this respect.

Before approaching this Forum, the applicant had filed her complaint dated 13.10.2006 to the Executive Engineer, Civil Lines Division, MSEDCL, NUZ, Nagpur followed by subsequent applications dated 14.05.2007 and 16.06.2007 on the same subject-matter. However, no remedy was provided to her grievance and hence, the present grievance application.

The intimation given by the applicant to the non-applicant as stated above is deemed to be the intimation given to the Internal Grievance Redressal Cell (in short, the Cell) in terms of the said Regulations and as such, she was not required to approach the Cell before coming to this Forum.

The matter was heard on 23.10.2007.

The applicant's case was presented before this Forum by her nominated representative one Shri Suniel Jacob

while the non-applicant company's case was presented by Dy. Executive Engineer, MRS S/Division, MSEDCL, Nagpur.

It is the contention of the applicant's representative that the premises consisted in plot no. 3, Khasra No. 49/50 admeasuring 1200 Sq.Ft. in the limits of Mouza Bhankheda in the Nagpur Municipal Corporation's Ward No. 64 belongs to the applicant. There are 3 electric connections already sanctioned in the past in the applicant's name in these premises and these three connections were being used by the applicant herself, the applicant's sister, her tenants and the applicant's daughter. One of these three connections is being used by the applicant's sister and her son. The second connection is being used by the applicant's tenant. The third electric connection bearing service connection No. 410010454569 was being used by the applicant for her own use and for the use of by her daughter and tenants. This third electric connection came to be permanently disconnected on 08.11.2006 on the ground of non-payment of arrear amount of Rs.2300/- outstanding against this third connection. The applicant's representative strongly contended that no notice, whatsoever, was served upon the applicant before permanently disconnecting this service connection. He added that such a disconnection without notice is illegal. Hence, he requested to reinstall this service connection and restore supply of electricity.

He further submitted that a portion of the premises admeasuring 69.68 sq.mtrs. which was being served by this disconnected meter has been sold illegally to one Shri T.Balkrishna Ramayya Tantulwar by one Smt. Venutai

Krushnarao Kshirsagar and that a civil suit is already pending in respect of heirship right over this property between the applicant and Smt. Venutai K. Kshirsagar. He strongly contended that Smt. Venutai K. Kshirsagar who is the second wife of deceased shri Krushanrao Kshirsagar had no legal authority to sale the aforementioned portion of the property to Shri Tantulwar.

He added that Shri Tantulwar applied to the non-applicant for sanction and release of a new electric meter in his name and the same came to be granted to him by the non-applicant without considering the objection raised by the applicant. He submitted that sanction of a new meter in place of a disconnected meter for the exclusive use of Shri Tantulwar is unjust, improper and illegal.

He requested to revoke the non-applicant's sanction of the new meter to Shri Tantulwar. He also prayed that action may be taken against officers responsible for sanctioning new meter to Shri Tantulwar without taking cognizance of the applicant's complaint.

He has produced on record property tax payment receipts in respect of the said premises in support of his contentions.

The non-applicant, on his part, has submitted his parawise report which is on record. It is stated in this report as well as in oral submissions made by the Dy. Executive Engineer that the service connection bearing no. 410010454569 sanctioned in the name of the applicant came to be rightly disconnected permanently on 08.11.2006 because of arrear amount of Rs.2300/- outstanding against this service

connection. He added that there are three separate service connections sanctioned in the name of the applicant in the past and accordingly, three separate meters were installed including the meter meant for the aforementioned disconnected service connection. These three service connections have been used by the applicant, her other family members and also by tenants. He has submitted a rough sketch showing the position of the three service connections alongwith mapping of areas being served by these three connections.

The applicant, according to him, was the registered consumer and, therefore, it was her obligation to make payment of the arrear amount of Rs.2300/- which was outstanding against the disconnected connection.

He further submitted that one Shri Balkrishna R. Tantulwar requested to sanction a new service connection vide his application dated 16.11.2006. He had supplied certified copy of the sale deed duly executed and registered in his favour by one Smt. Venutai Krishnarao Kshirsagar on 11.08.2006. There was thus prima-facie evidence of legal ownership of Shri Tantulwar over the said premises. It was pointed out to him that there are arrears of energy charges outstanding against these premises. Thereupon, he paid the entire arrear amount of Rs. 2300/- on 22.11.2006. Thereafter, a new service connection, being S.C. No. 410016226576, came to be sanctioned in his favour after completing all the requisite formalities meant for securing a new connection. It is his strong submission that the present applicant has no

justification to make a grievance in respect of sanction of a new meter to Shri Tantulwar.

He added that there are two service connections already in operation in the same premises in the name of the same consumer namely, the applicant and that only one connection out of three standing in the name of the applicant was disconnected. According to him, the applicant has no legal right to ask for reinstallation of electric meter which was permanently disconnected on 08.11.2006. He also submitted that the applicant cannot make use of this Forum as a tool for the purpose of scoring personal grudge and grievance against the purchaser Shri Tantulwar.

He lastly urged that the complaint is full of malafides and as such, the grievance application is liable to be dismissed.

In the present case, it is a matter of record that three electric connections were sanctioned in the name of the same consumer namely the present applicant in the past for the premises which are being used by the applicant, her family members and tenants. The rough sketch produced on record by the non-applicant on our insistence amply clarifies the rough location of meters and the areas being served by them. The applicant's representative also did not generally raise any valid objection to this factual position. The applicant's representative also did not dispute that the deceased Shri Krishnarao Kshirsagar had two wives namely the present applicant and another Smt. Venutai. As stated by him, there is a civil suit pending in respect of right of heir ship over the property between the applicant and Smt. Venutai. Thus the

matter pertaining to the premises admeasuring 69.68 sq.ft. on the western side of plot no. 3 which was sold by a registered sale-deed by Smt. Venutai to Shri Tantulwar seems to be subjudice. On being asked by us, the applicant's representative clarified that no injunction of any kind is granted by the Civil Court in this subjudice matter. No evidence is produced on record by the applicant's representative in respect of subject-matter of the civil suit.

The service connection, being S.C. No. 410010454569, came to be disconnected temporarily on 27.10.2006 followed by its permanent disconnection on 08.11.2006. This was done by the non-applicant because of the arrear amount of Rs.2300/- outstanding against this service connection. This service connection was being used by the applicant herself, her tenant Smt. Laxmibai, her daughter and also by Shri Tantulwar who was occupying the premises which he subsequently purchased from Smt. Venutai. All these persons have been living in separate room or rooms. Admittedly, this service connection came to be permanently disconnected without any notice to the applicant. The non-applicant could not produce on record any evidence to show that prior notice of 15 clear days was served on the registered consumer namely the applicant before permanent disconnection of the said meter. The applicant's grievance that her service connection was disconnected without any notice is thus correct. The non-applicant should have served 15 clear days' notice on the applicant before disconnecting supply in terms of Section 56 (1) of the Electricity Act, 2003. Hence, supply of electricity needs to be restored to the applicant. It is

also an admitted position that there are two other service connections already in use in the name of the present applicant and others. These two service connections are being used by the family members of the applicant and tenants in their respective rooms occupied by them. Restoration of electric supply to the applicant, therefore, is possible from one of these two existing service connections. We, therefore, direct the non-applicant to restore supply of electricity to the applicant from one of the two existing electric meters which are also standing in the applicant's name.

The applicant's request for reinstallation of the disconnected meter does not deserve any consideration looking to the circumstances of the case.

As regards the applicant's grievance in respect of sanctioning of a new meter to Shri Tantulwar, this Forum observes that a new meter was sanctioned to him by the non-applicant after it was fully satisfied that Shri Tantulwar is the legal owner of the area purchased by him. It is also a matter of record that arrear amount of Rs.2300/- outstanding against the disconnected connection was paid by Shri Tantulwar before getting a new connection.

We, therefore, do not see any reason to interfere with the non-applicant's action of sanction of new meter to Shri Tantulwar. The documentary evidence produced on record by the non-applicant proves that Shri Tantulwar had purchased the premises by a registered sale-deed from Smt. Venutai Krishnarao Kshirsagar. It is an admitted position that deceased Shri Krishnarao had two wives namely the present applicant and Smt. Venutai. The applicant's



representative has also himself stated before us during the course of arguments that there is a civil suit pending in respect of heirship right over the property between the applicant and Smt.Venutai and also that there is no injunction or interim order of any kind issued by the Civil Court.

In these circumstances, the non-applicant's action of sanctioning a new meter to Shri Tantulwar needs no interference. Hence, the applicant's request to revoke this sanction cannot be granted.

The applicant has requested to award compensation to her because of illegal disconnection of her supply of electricity. In this respect, on being asked by us, the applicant's representative stated that the applicant has already taken supply of electricity from elsewhere and that she & her other members of family including one tenant are not living in dark. He also did not press the request of award of compensation during the course of arguments. Hence, the applicant's request for award of compensation stands rejected.

Question of taking action against the officers of the non-applicant company is also of no consequence in view of the facts and circumstances of the case.

In the light of above position, the applicant's grievance application is partly allowed and it stands disposed off accordingly in terms of this order.

Both the parties shall report compliance of this order in respect of limited relief granted to the applicant in terms of this order on or before 30.11.2007.

Sd/-	Sd/-	Sd/-
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
Member-Secretary	MEMBER	CHAIRMAN

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MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
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