

**Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, 11nd flr. Pune-11**

**Case No. 21/2013**

**Date: 30/12/2013**

**In the matter of**

Shri.Anil Siddappa Jeur,  
1170/2, Revenue Colony,  
Pune-02

**- Complainant**

**V/S**

The Executive Engineer,  
M.S.E.D.C.L.,  
Shivajinagar Division,  
Pune.

**- Opponent**

**Quorum**

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

1. Shri.Anil Siddappa Jeur, Consumer No.160220965519 submitted that he is in possession of House No.1170/2, Shivajinagar Revenue Colony, Pune-5. He applied for electricity connection for residential purpose on 20.3.2010, M.S.E.D.C.L.released electricity supply on 1.4.2010. The said electricity supply was disconnected on 9.4.2013.
2. Complainant Shri.Anil Siddappa Jeur filed complaint before I.G.R.C.for illegal action of disconnection of supply. I.G.R.C. rejected the complaint as per Clause 6-7(d) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations 2006.
3. Anil Jeur filed this complaint as per Section 42 (5) of Electricity Act-2003 being dissatisfied by order of IGRC dated 26.6.2013.

4. The substance of the complaint may be stated as under  
The electricity supply of consumer cannot be disconnected on the complaint of original owner and opinion of legal advisor. The electricity connection was sanctioned after considering relevant documents produced by consumer. Mr. Anil Jeur was and continuous to be in occupation of the said place & the electricity supply is disconnected only due to complaint of original owner Shri. Inamdar. There is no provision to disconnect the electricity supply on the ground of complaint of owner & opinion of legal advisor.
5. M.S.E.D.C.L. submitted that considering all documents produced on record & legal opinion of senior legal Advisor, action has been taken for disconnection of supply.
6. The following points arise for our determination :
  - (1) Whether the complainant is entitle for relief of Mandatory injunction against M.S.E.D.C.L. for restoration of Electricity connection ?
  - (2) Whether complainant is entitle for any other relief ?
  - (3) What order ?
7. Our findings are as under :
  - (i) In the negative
  - (ii) Complainant may
  - (iii) As per final order

**:REASONS :**

8. We have heard both sides at length, perused documents produced on record. Both parties relied on documents and judicial precedents.

9. Anil Jeur produced on record (i) development Agreement between Janardhan Inamdar & Other and M/s. Ashvini Promoters & Builders Pvt. Ltd. dtd. 6.11.2001 (ii) possession receipt between Inamdar & Ashivini Builders dtd. 4.8.2001 as Licensor & Licensee (iii) Application for electricity connection by Anil Jeur dated 20.3.2010 (iv) Letter of permission by Ashvini Promoters & Builders Pvt. Ltd. dated 5.8.2001.

10. Mr. Anil Jeur relied on the pronouncements
  - (i) Abhimanyu Muzumdar Vs. Superintending Engineer & Others AIR 2011 Calcutta 64.
  - (ii) Devendra Sharma Vs. State of U.P. Writ No. 38285/2011 Allahabad High Court.
  - (iii) Shankar Tulshiram Thorat Vs. M.S.E.D.C.L. Representation No. 20 of 2013 before Electricity Ombudsman Mumbai dated 5.4.2013.  
M.S.E.D.C.L. relied on the legal Advisor Pune Zone, Pune dated 5.9.2012.
11. As per Section 43 of Electricity Act 2003, every distribution licensee shall on an application by the owner or occupier of any premises, give supply of electricity to such premises within one month after receipt of the application requiring such supply. In this case Mr. Jeur applied on 20.3.10 and electricity supply was given on 1.4.10. This is an admitted position.
12. As per Reg. 4.1 (VII) of MERC (Electricity supply code and other conditions of supply) Regulations 2005 consumer falling under the domestic tariff category, following documents are required with application.
  - a) Ration Card, b) Photo pass, c) Voters Card, d) Passport & e) documents pertaining to occupation of the premises.
13. As per Reg. 2.2.2 M.S.E.D.C.L. shall neither be responsible nor liable to ascertain legality or adequacy of any of the documents. As per regulation, consumer shall be liable for any information which is not correct or is found to be fraudulent.
14. We have perused all the documents produced by consumer including A-1 form submitted for electricity supply. We have not found any document like ration card, passport, and voter list or occupancy certificate. It appears that electricity supply was given on insufficient documents. It is also an admitted fact that inquiry is initiated against a person who has given electricity supply to consumer an insufficient document. The consumer also did not produce on record any one document which is mandatory as per Reg. 4.1 during the hearing of the present case. Consumer has filed on record letter of permission dated 5.8.2001 issued by Rajshekhar Bhogade

- M.D.Ashwini Builder. This cannot be said legal proof of occupancy.
15. When the fact was brought to the notice of M.S.E.D.C.L. by owner of the premises M.S.E.D.C.L. has taken appropriate action by issuing sufficient notice and by observing the principles of natural justice the electricity supply is disconnected as per law. The consumer failed to prove his settled possession so he is not entitled for relief of mandatory injunction directing M.S.E.D.C.L. to reconnect electricity supply which is lawfully disconnected. As the consumer failed to prove that he is in settled possession, the cases referred are not applicable to the present case.
16. At this stage, we are of the opinion that, consumer may apply to M.S.E.D.C.L. for new connection with necessary documents & M.S.E.D.C.L. may consider the same as per rules. However at this stage consumer failed to prove that his electricity supply is illegally disconnected.

**In the result we pass following order :**

- (i) Complaint is disposed of
- (ii) No order as to cost.

N.S.Prasad,  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 30/12/2013