

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.42/2016

**Date of Grievance : 23.12.2016
Date of Order : 23.01.2017**

In the matter of disconnection of supply at the behest of Society.

Mr. P.P.Goyal, Chairman,
Balsara Co-Op.Hsg.Socy.Ltd.
113/2, Tadiwala Road,
Pune - 411001.

Complainant
(Herein after referred to as Consumer)

Versus

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

Respondent
(Herein after referred to as Licensee)

Quorum

Chairperson	Mr. S.N.Shelke
Member Secretary	Mrs.B.S.Savant
Member	Mr. S.S.Pathak

Appearance

For Consumer	Mr.P.P.Goyal,
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For Respondent	Mr.D.N.Sali,AEE,Wadia Sub-division
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1. The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
2. Being aggrieved and dissatisfied by the order dated 29.10.2016 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the consumer above named prefers this grievance application on the following amongst other grounds.

3. The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Bundgarden Dn., Pune vide letter no. EE/CGRF/PZ/Notice/42 of 2016/269 dtd.26.12.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 07.1.2017.
4. We heard both sides at length and gone through the contentions of the consumer and reply of the licensee and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) Balsara Co-Op.Hsg.Socy. having consumer no. 170014748868 made application through its Chairman Mr.P.P.Goyal to the Licensee on 18.2.2016 for removal of energy meter of consumer no. 170015575550 standing in the name of Mr. Dinesh Vinayak Amrute on the ground that the said Mr. Amrute is not a member of the said society. Thereafter the said Chairman on behalf of the society again made applications to the Licensee on 21.3.2016, 21.4.2016 on the similar lines. However the Licensee did not inform the said consumer about any action taken on the said applications.
 - ii) Thereafter the consumer filed grievance before IGRC Rastapeth on 4.10.2016 stating that the person namely Mr. Dinesh Amrute having consumer No.170015575550 is not member of the said society and the said energy meter be removed as the said society wants to demolish the said garage and therefore said supply be disconnected.
 - iii) The person namely Mr. Dinesh Amrute made application to the Licensee on 20.10.2016 stating that he was lawful owner of the said premises & paying MSEB bills & corporation taxes therefore the said connection may not be removed.
 - iv) The Licensee made spot inspection of the said premises on 21.10.2016 and submitted report that the said premises is being used for web site designing and which is owned by Mr.Dinesh Amrute & he was present at the time of spot inspection. Thereafter

the Licensee informed to the Society that said Mr. Amrute is regular consumer of the Licensee & his disconnection cannot be made unless order of the court or Government Authority.

v) IGRC Rastapeth rejected the grievance of the consumer observing that unless the said consumer brings any order of the court or order of any competent authority disconnection cannot be made.

5. The consumer representative Mr. P.P. Goyal submitted that Mr. Dinesh Amrute having consumer No. 170015575550 is not a member of Balsara Co-Op. Hsg. Socy. The said meter has installed in the premises owned by the Socy. The society wants the said premises (Garage) to be demolished & to construct the office for the said society. Therefore the said connection be disconnected permanently. However Mr. Goyal has not produced any documentary evidence showing the said garage is owned by the said society and society wants said premises to be demolished and possession of Mr. Amrute is to be illegal.
6. On the other hand, Mr. D.N. Sali, Addl. E.E., Wadia Sub-division submitted that the consumer namely Mr. Dinesh Amrute having consumer no. 170015575550 is the regular consumer of the Licensee. He deposits energy bills regularly. Energy supply has been released to said consumer on 6.2.1992 in the tariff category LT-II (Commercial). The said consumer has produced documents of his ownership i.e. sale deed, Index -II, Corporation Tax Bill, Commencement Certificate, Energy bill of Licensee, & NOC issued by Housing socy. Therefore said Mr. Amrute is lawful owner of the said premises as such his supply cannot be disconnected without order of the Court or the Government.
6. On perusal of documents i.e. copies of the sale deed & Index-II extract it is seen that one Mr. Abdula Jaffar executed registered sale deed in favour of Mr. Dinesh Vinayak Amrute in respect of the property - garage on the

ground floor in the building known as Balasara Co-Op-Hsg. Socy. Ltd. admeasuring 220 sq.ft. i.e. out of final plot no.113/2, CTS No.7 situated at Tadiwala Road, Pune city for the consideration of Rs. 90,000/- vide registered sale deed no.2410 dated 17.4.1995 executed at Sub-registrar office, Haveli-6. It is further seen that said Mr. Dinesh Amrute is paying Corporation Taxes of the said property to the Pune Municipal Corporation. It is seen from CPL the consumer having no. 170015575550 is regularly paying energy bills issued by Licensee. It is pertinent to mention that Balasara Co-Op-Hsg. Socy. Ltd. has given no objection dated 20.4.1995 for change in name in respect of energy connection having No.170015575550 standing in the name of previous owner to the name of Mr.Dinesh Amrute. Therefore it is clear from the above mentioned documents that said Mr.Dinesh Amrute appears to be owner of the said premises.

7. The said Mr.Amrute has raised objection before Licensee vide letter dated 20.10.2016 requesting not to disconnect energy connection standing in his name & that he was regular payer of the electricity bills. On the contrary Balasara Co-Op-Hsg.Socy.Ltd has not produced any documentary evidence as to demolition of the said premises said Mr.Amrute regularly pays the energy bills of the Licensee. Therefore the energy connection vide no.170015575550 standing in the name of Mr. Dinesh Amrute cannot be disconnected unless the order of the court or any Government authority. Moreover grievance does not govern u/s 56 of Electricity Act. IGRC, Rastapeth has rightly rejected the grievance and no any interference is warranted in the impugned order passed by IGRC. We found no any substance in the grievance made by the consumer. Hence the said grievance is liable to be dismissed.

Lastly we proceed to pass following order:

ORDER

Grievance of the consumer stands dismissed with cost.

Delivered on: - 23.01.2017

Sd/-
S.S.Pathak
Member
CGRF:PZ: PUNE

Sd/-
B.S.Savant
Member/Secretary
CGRF:PZ: PUNE

Sd/-
S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg., Bandra Kurla Complex,
Bandra (E), Mumbai-51.