

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUC/683/2018/23  
Registration No. 2018060035**

Date of Admission : 12.06.2018

Date of Decision : 17.07.2018

Shri Manoj Balmukund Shrivastav, : COMPLAINANT  
Plot No. 2, Galli No. B4, Sanjay Nagar,  
Smashan Maruti Road,  
Aurangabad  
(Consumer No. 490014740098)

**VERSUS**

The Executive Engineer (Admn) : RESPONDENT  
Nodal Officer, MSEDCL, Urban Circle,  
Aurangabad.

Complainant Representative : Shri Akhtar Ali  
Respondent : Shri M. V. Yeotikar,  
Addl. EE, Kranti Chowk SDn

**CORAM**

Smt. Shobha B. Varma, Chairperson  
Shri Laxman M. Kakade, Tech. Member/Secretary  
Shri Vilaschandra S. Kabra Member.

**CONSUMER GRIEVANCE REDRESSAL DECISION**

1) The applicant Shri Manoj Balmukund Shrivastav, Plot No. 2, Galli No. B4, Sanjay Nagar, Smashan Maruti Road, Aurangabad is a consumer of Mahavitaran having Consumer No. 490014740098. The applicant has filed a complaint against the respondent, the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 12.06.2018.

**BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:**

- 2) The applicant has filed the complaint raising following contentions:-
1. That Shri Manoj Balmukund Shrivastav R/O Plot No. 2, Lane No. 4B, Smashan Maruti Road, Sanjay Nagar, Aurangabad has applied for residential new connection in his house and submitted all necessary legal documents to MSEDCL Office, Aurangabad.
  2. That MSEDCL Kranti Chowk Sub Division, Aurangabad after scrutiny of the documents and after following the procedure issued quotation to the consumer allotting consumer no. 490014740098.
  3. That, the complainant has paid the quotation amount Rs. 1150/- vide M.R. No. 909562 dt. 03.03.2017. The consumer no. 490014740098 is also mentioned on money receipt.
  4. That the complainant has submitted quotation paid money receipt to MSEDCL Office, Aurangabad and requested for releasing his residential new connection. That even after constant follow-up with higher authorities of Kranti Chowk Sub division, connection to him is not released.

5. That, then the complainant has approached IGR Cell, Urban Circle, Aurangabad with request to release the residential connection.
6. It is alleged that IGRC has not heard the side of consumer properly and not considered the documentary evidence and receipt of quotation paid by him. It is submitted that IGRC has given one sided and Partial decision.
7. That, the complainant has applied for new residential connection at Plot No. 2, Lane No. 4B, Smashan Maruti Road, Sanjay Nagar, Aurangabad. There was no any old connection in this premises / house.
10. That, the so called connection no. 490010293224 was in the name of one Shri. B.N. Seth, at house no. 4-18-21, Dada Colony, Aurangabad as can be revealed from the copy of bill. That these two premises are altogether different from each other and at different locations. That this fact is totally ignored by IGR Cell Aurangabad while imparting decision in the matter. IGRC has not applied the mind while recording the decision.
11. It is submitted that, he is not at all concern with the arrears amount of Rs. 50,366/- of consumer no. 490010293224. This connection was not in the house of the complainant. That, the complainant is harassed by the Respondent.
12. That, after taking pains and search of the record, the complainant then received the details of consumer no. 490010293224 of Shri. B.N. Seth.

13. That, the said consumer has paid the bill Rs. 310/- vide M.R. No. 839273 dt.16.01.2012 and his connection was permanently disconnected on 23.12.2012 as per his request. All this details are recorded on the PD report of said consumer.
14. It is submitted that, on account ill intention of the Respondent, the connection is not released.

It is prayed that

- A) The order passed by IGRC, Urban Circle, MSEDCL, Aurangabad may set aside.
  - B) That, Additional Executive Engineer, MSEDCL, Kranti Chowk, Aurangabad may be directed to release his residential new connection.
  - C) Penalty / SOP under Electricity Act 2003 and MERC rules may be imposed on all Officers concern of MSEDCL, who have purposefully delayed new connection even after payment of quotation and allotment of Consumer No. 490014740098.
  - D) Compensation of Rs. 20,000/- may be awarded for mental torcher / humiliation, mental agony & harassment and financial loss sustained for attending different MSEDCL offices in last 13 months.
- 3) That, the Respondent has filed say as under :-
1. It is stated that, Shri Manoj Balmukund Shrivastav has paid quotation of Rs. 1150/- on dtd 03.03.2017. Additional Executive Engineer had sent Technician with meter to release the new connection. Technician has received information that there was meter in the name of Shri B. N. Seth, hence he had not released the connection. Meter in the name of

Shri B. N. Seth of Consumer No. 490010293224 having arrears of amount of Rs. 83500/- , hence denied to release the connection.

2. Consumer had made complaint in IGRC and IGRC passed the order to revise the PD arrears accordingly bill is revised to amount of Rs. 52445/-, consumer had not paid the said bill hence the connection is pending.
- 4) That, the Respondent has filed Additional say (Page No. 63) as under :
1. That, the Respondent stated that Shri Gangaram, Technician went to release the connection of Shri Manoj Balmukund Shrivastav. The previous outsourcing staff & meter reader told technician that there was old meter in the name of Shri B. N. Seth and Shri Manoj Shrivastav had missed it. As consumer having arrears 80,000/- supply was disconnected (TD). After that, he has applied for new connection. Additional Executive Engineer has sent staff for verification, he has no information of PD arrears hence quotation is issued. Existing two storied building is supplied with meter in the name of Vijay Shrivastav Consumer No. 490012308644. In that building Shri Manoj Shrivastav is residing at 1st Floor. He is using supply from this meter. Consumer had submitted undertaking that he has used supply during 18.12.2015 to February 2017 from meter of Shri B. N. Seth.
  2. As per CPL Shri B. N. Seth, Consumer No. 490010293224 was PD during January 2012 to July 2012 supply was reconnected in August 2012. B30 card of MR-Route-59 shows that Consumer Shri B. N. Seth is shown in serial after Shri Vijay Balmukund Shrivastav.

3. Said meter is illegally fixed and used by Shri Manoj Shrivastav. After that he had used supply from meter of his brother Shri Vijay Shrivastav. Staff informed PD arrears on that place of Shri Manoj Shrivastav, hence connection is not released.
- 5) We have pursued the documents on record filed by the applicant and respondent. We have heard Complainant representative Shri. Akhtar Ali & Respondent Representative, Shri M. V. Yeotikar, Addl. EE, Kranti Chowk Sub Division. Following points arise for our determination & its findings are recorded for the reasons to follow:-

Sr. No.	POINTS	FINDINGS
1)	Whether new connection bearing Consumer No. 490014740098 be released in favour of the petitioner ?	Yes
2)	Whether the petitioner is entitled for compensation as claimed?	No
3)	Whether the petitioner is entitled for compensation of Rs. 20000/- as claimed?	No
4)	What order?	As per final order

### Reasons

- 6) **Point No. 1 :** Shri. Manoj Shrivastav, Plot No. 2, Galli No. B4, Sanjay Nagar, Smashan Maruti Road, Aurangabad has applied for residential new connection and paid the quotation amount Rs. 1150/- vide M. R. No. 909562 dtd. 03.03.2017. The Consumer No. 490014740098 is allotted to him. Consumer has submitted quotation paid money & receipt is submitted to MSEDCL office and requested to release new connection.

7) Considering details regarding connection of Shri B.N. Sheth. From CPL submitted by Addl. Executive Engineer, Consumer address of Shri B. N. Seth is 16, H. No. 4-18-21, Dada Colony, Aurangabad and Consumer No. is 490010293224. It is clear that, the name and address of PD consumer with arrears shown is not matching with address of new applied consumer i.e. Shri. Manoj Shrivastav, Plot No. 2, Galli No. B4, Sanjay Nagar, Smashan Maruti Road, Aurangabad. The Respondent has not submitted documents or photo by way of evidence regarding removal of meter in name of Shri B. N. Seth from premises of Shri Manoj Shrivastav, to clear that Manoj Shrivastav has used supply through that meter.

8) The Respondent has raised allegations about user of meter of Shri B. N. Seth, by the complainant on the basis of oral information from Shri Gangaram, Technician. Shri Gangaram, Technician was the person who went to the spot to release electricity supply to the residence of the complainant. According to Respondent at that time, out sourcing agency person have given information to Shri Gangaram about meter No. 490010293224 of B. N. Seth used by the complainant & then he has missed it & about arrears of Rs. 80,000/- on the said connection of Shri B. N. Seth & then the complainant has applied for fresh connection. It is pertinent to note that on 28.09.2017, why the Spot Inspection Report was prepared & also Shri Gangaram, Technician has signed it, but has not made any reference about aforesaid allegation of user of meter of Shri B. N. Seth by the complainant. Such conduct on the part of Shri Gangaram proves adverse to the case of Respondent. It appears from the record of CPL that connection No. 490010293224 of Shri B. N. Seth, was taken on 31.12.1981 & it was made PD in the year 2012, then reconnected on 23.12.2012 & again TD on February 2012. Considering the long period of meter of Shri B. N. Seth, it is for the Respondent to explain as to what action was initiated by them against the wrong doer. In this

respect the Respondent failed to submit explanation. So non action on the part of Respondent leads to draw adverse inference against them.

9) The documents submitted by complainant goes to show Shri B. N. Sheth connection was request for PD on 23.11.2012 with Rs. 310/- and then reconnected on 23.12.2012 and again TD on February 2018, So Respondent ought to have investigate the matter, however it was not made.

10) Neither photos nor panchnama & no evidence at all is forthcoming in order to show misuse of the meter of Shri B. N. Seth by the complainant, so also the name of out sourcing agency is not forthcoming. In this back drop the allegations of the Respondent about user of electricity meter of Shri B.N. Seth by the complainant can't sustain. Therefore, liability of arrears can't fastened on the complainant & on this ground new connection to the complainant can't be refused. Hence, we feel that there is no obstacle in releasing the new connection to the complainant. We answer point No. 1 in the affirmative.

11) **Point No. 2 & 3 :** As regards compensation, as can be seen from the record, the complainant has paid quotation amount on 03.03.2017, vide receipt (Page No. 25), however on account of consumption of time in enquiry regarding user of electric meter of Shri B. N. Seth by the complainant in his premises, release of connection is delayed. We feel that reasonable enquiry was made by the officer of the Respondent, hence extension of time is justified. So also, ex-facie there is no ill intension found on the part of officers of the Respondent in not releasing the new connection. As such, we answer points No. 2 & 3 in the negative.



Considering the above discussion, the order passed by IGRC is set aside and following order is passed by way answer to Point No. 4.

**ORDER**

The complainant is hereby allowed in the following terms :-

- 1) Order passed by IGRC dtd. 24.11.2018 in case No. अअ/औशंम /अंतनिक/ ३२/तांत्रिक/३४९८ dtd. ३१.०८.२०१७ is hereby set aside and quashed.
- 2) The Respondent Additional Executive Engineer is hereby directed to release residential new connection of the complainant within 30 days from the date of receiving this order.
- 3) Prayer of compensation is rejected.
- 4) Parties to bear their own costs.
- 5) Respondent to report compliance.

Sd/-  
Shobha B. Varma  
Chairperson

Sd/-  
Laxman M. Kakade  
Member / Secretary

Sd/  
Vilaschandra S.Kabra  
Member