



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/N/148/1543 of 2017-18

Date of registration : 09/03/2018

Date of order : 13/06/2018

Total days : 96

IN THE MATTER OF GRIEVANCE NO. K/N/148/1543 OF 2017-18 OF MR. SHERBAHADUR MULLARAM PATEL, GALA NO.1, J.K.PRINT, OPP. SAI SEVA APT., BEHIND EVERSHINE GARDEN, EVERSHINE CITY, TAL - VASAI, DIST. PALGHAR, PIN CODE - 401 208 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.

Mr. Sherbahadur Mullaram Patel,
Gala No.1, J.K.Print, Opp. Sai Seva Apt.,
Behind Evershine Garden, Evershine City,
Tal - Vasai, Dist. Palghar,
Pin Code - 401 208

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri. I.M. Bharti, AEE, Vasai Rd (E) S/dn.
2) Shri.R.B.Waman, ALO, Vasai Circle

For Consumer - Mr.Pandey (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is

referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is one Mr. Sherbahadur Mullaram Patel Grievance is that he is the occupier and owner of the premises known as gala no.1 , J.K.Print, Opp. Sai Seva Apt., Behind Evershine Garden, Evershine City, Tal – Vasai, Dist. Palghar, He applied for single phase new electricity connection which application was registered by MSEDCL as A-1 – 10839712 on 28/08/2017. Section Officer Gokhivare-II refused to install electricity to the above premises of the applicant on the ground 1) Receipt of paid bills of consumer no.001590410060 & 001590415312 and 2) Objection of Mr.Dinesh Zalluram Patel the objections taken are without verification and against fundamental right of the applicant to enjoy electricity.

3) Distribution Licensee in reply contends that in the Aadhar card the address of shop no.1 did not appear. In the city survey extract of survey no.254 his name does not appear. Property tax receipt of shop no.1 not produced having the name of the applicant. Gift deed is not a registered document.

4) On scrutiny of the papers Mr.Dinesh Zalluram Patel is appearing as owner of the property for which connection is applied by the complainant. Thus complainant has not produced sufficient document to show his ownership and possession.

5) We have heard both sides. Now at the outset premises as described in the application A-1 is, Gala No.1, Patel Nagar, Near Evershine Garden, Evershine City, Tal – Vasai, Dist. Palghar. There are no documents produced worth the name to prove either ownership or possession of complainant over the said premises. One gift deed is produced which is an unregistered document. Also there is no source of tittle of the doner Ramsunder produced. Some other documents produced are shop Act. License, F.D. A License Aadhar card. They are of the year 2017. There is no basis on which there documents are got issued. They by them selves do not create any right in favor of the party. Mr.Dinesh Zalluram Patel who has objection to granting connection has produced four receipts of the property Room no. 1 to 4 standing in his name it is advisable therefore to bring an order of Civil Court with

regard to ownership or actual possession in respect of the premises . A Distribution Licensee official is duty bound to provide electricity connection to the public but at the same time he has to safe guard the interest of the employer company in respect of the revenue from consumption of energy for which charge remains on the premises. He has to ensure that the an application has title to the premises for which connection is sought by any person or at least possessory title. He must have some right in the property at least possessory rights. Documents produced do not create any right in favour of the complainant in the premises.

6) In the above senerio we do not see any fault on the part of the MSEDCL officers in refusing connection for want of proper document in the name of the complainant in respect of the premises for which connection is sought.

7) Delay is caused due to adjournments at the instance of complainant who was given maximum opportunity as sought.

8) Grievance fails.

Hence the order.

ORDER

Grievance is dismissed.

Dated : 13/06/2018

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*
- “Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*
- “Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

