



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

**No. K/E/1380/1627 of 2017-18**

Date of registration : 14/06/2018

Date of order : 04/07/2018

Total days : 20

**IN THE MATTER OF GRIEVANCE NO. K/E/1380/1627 OF 2017-18 OF SHRI.HARESH K. DODEJA, LAXMI BUILDERS, BINDIYA APARTMENT, FLAT NO.402, BARRACK NO.1627 ROOM NO.1, SECTION NO.26 ULHASNAGAR – 421 004 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING DISCONNECTION AND NON COMPLIANCE.**

Shri.Haresh K. Dodeja, Laxmi Builders,  
Bindiya Apartment, Flat No.402,  
Barrack No.1627 Room No.1,  
Section No.26 Ulhasnagar – 421 004  
(Consumer No. 021514263652)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Kalyan Circle-II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.D.B.Kumbare, AEE, Ulhasnagar-IV  
2) Shri.S.R.Talari, AE, Ulhasnagar-IV

For Consumer - Shri.Deepak N.Nirgude (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 Regulations 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 Shri.Haresh K. Dodeja, having consumer no. 021514263652, Billing unit no. '4173', Ulhasnagar-IV S/dn., Nagrani, Ulhasnagar-4. Grievance herein is very short. Consumer gave a letter on 18/07/2016 praying for permanent disconnection. Distribution Licensee failed to comply with the request. Consumer gave several reminders. Nothing has been done. Consumer prays for order for permanent disconnection and for refund of bills paid for the interim period and also for compensation and strict action against the official.

3) Distribution Licensee in reply contends that reply was given to Consumer by AE, Nagrani vide letter no. AE/Ulhas-4 Nagrani/T/120 dt.19/08/2017 which was received by the consumer on 19/08/2017. It is contended further that as per the legal opinion of legal adviser electricity supply for consumer no. 021514263652 was not disconnected.

4) We have heard both sides and have perused the record. As we find, although the connection stands in the name of the present complainant the occupier of the premises is some other person viz the tenant. It is for this reason Distribution Licensee has not made the disconnection. It is further submitted on behalf Distribution Licensee that the occupier tenant has been using the electricity and has been paying the bills. Hence as per opinion given by their legal adviser they have refused to disconnect and have informed the consumer accordingly.

5) We have given careful consideration to the facts and circumstances of this grievance. It is to be borne in mind that although the premises may have been occupied by some body else the consumer having connection in his name at the said premises has a right to request for disconnection of the same and there upon Distribution Licensee is under obligation to disconnect the same. Distribution Licensee could not refuse to the same. It is true that in such a matter the occupier would be put to hardship and inconvenience. But then it could have been prevented by giving 15 days notice to occupier before making permanent disconnection availing some opportunity to him, to move appropriate forum for relief.

In the present case the occupier is the tenant. Distribution Licensee could have given him 15 days notice before disconnection. In any event owner can not be compelled to keep the electricity connection to his premises in his name itself. Equally a tenant can obtain an electricity connection in his own right. That being so Distribution Licensee has failed to comply Regulation 6.7, 6.8, & 6.9 of SOP Regulation which is reproduced here for convenience.

***Disconnection of supply***

**6.7** *On expiry of 30 days notice from receipt of an application for termination by consumer, in accordance with the MERC Supply Code Regulations, 2005 amended from time to time, the Distribution Licensee shall disconnect the supply within three (3) days in Class-I cities, within seven (7) days in Urban Areas and within ten (10) days in Rural Areas.*

**6.8** *The Distribution Licensee should intimate the consumer of any amount outstanding against the consumer whose supply has been disconnected within seven (7) days in Class I cities and Urban Areas, and within ten (10) days in Rural Areas from the date of disconnection. Provided further that licensee shall remit the credit amount, if any, as per the timeline specified above.*

**6.9** *In case of closure of account (permanent disconnection), refund of credit amount (if any), advance consumption deposits / consumption security and meter security along with “No- Dues certificate” should be made by the Distribution Licensee within thirty (30) days in Class I cities and Urban Areas, and within forty five (45) days in Rural Areas from the date of application for closure of account.*

*Provided that in the case where the consumer has outstanding dues to the licensee, the timeline specified above would stand revised to higher of the applicable timeline specified above and seven (7) days or ten (10) days after the date of making payment against such outstanding dues by the consumer in Class I cities/ Urban Areas or Rural Areas respectively.*

It is therefore necessary to issue direction accordingly for permanent disconnection. Consumer herein is also entitled for SOP compensation as per clause 8 of Appendix ‘A’ of SOP Regulation 2014 which is reproduced as under :

<b>8.</b>	<b>Other Services</b>		
(ii)	<i>Time period for other services from the date of application :</i>		<i>Rs 100 per week or part thereof of delay.</i>
	<i>- change of name</i>	<i>Second billing cycle</i>	
	<i>- change of tariff Category</i>	<i>Second billing cycle</i>	
	<i>- reduction in contract demand / sanctioned load.</i>	<i>Second billing cycle</i>	
	<i>- Closure of account-Time period for payment of final dues to consumer from the date of receipt of application for closure of account.</i>	<i>Thirty (30) days (Class I cities and Urban Area).</i>	
		<i>Forty Five (45) days (Rural Areas).</i>	

Application for Permanent disconnection given by consumer on 18/07/2016, Distribution Licensee should have disconnected supply by 17/08/2016, but failed to do so. Hence SOP compensation payable from 17/08/2016 till today i.e. for 687 days (approx. 98 weeks), which amounts to Rs.9800.00 considering Rs.100/week.

6) There is another prayer viz refund of bill paid in the interim period from the date of application. This is something very strange. It is to be seen that although there is no compliance made of permanent disconnection, energy was being consumed by the tenant and he has been

paying the bill for same. We are surprised how present consumer can claim the refund of the said bills paid by tenant for the energy consumed by him. Complainant has not paid bills himself. He is not entitled to such refund for the doctrine of "unjust enrichment." So far as action against Distribution Licensee official is concerned , it is not warranted as we think that they acted in good faith not to inconvenience the occupier who was paying bills of the energy consumed. They also acted on legal advise given to them.

In the above view of the matter we pass the following order in the interest of justice.

Hence the order.

**ORDER**

- 1) Grievance application of Consumer is partly allowed
- 2) Distribution Licensee to issue 15 days notice of disconnection to the occupier tenant and thereafter make permanent disconnection.
- 3) Distribution Licensee also pay SOP compensation Rs.9800.00 .
- 4) Prayer for refund of bills paid for the interim period is rejected.
- 5) Prayer for action against MSEDCL officials is rejected.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date : 04/07/2018

(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.*