



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/N/147/1542 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/147/1542 OF 2017-18 OF MRS.KAMALADEVI MULLARAM PATEL, HOUSE NO.2, J.K.PRINT, OPP. SAI SEVA APT., BEHIND EVERSINE GARDEN, EVERSINE CITY, TAL - VASAI, DIST. PALGHAR, PIN CODE - 401 208 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.

Mrs.Kamaladevi Mullaram Patel,

House No.2, 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) Complainant herein is one Mrs. Kamaladevi Mullaram Patel having application registration no. A-1 - 108397743 dated 28/08/2017. Section Officer Gokhivare-II refused to install electricity to the premises of application by letter dt.03/10/2017 on the grounds 1) bills of consumer no.001590410060 & 001590415312 2) Objection of Mr.Dinesh Zalluram Patel.

3) It is further the case that letter dt.10/11/2017 issued by Assistant Engineer Gokhivare-II clearly speaks that AE Gokhivare did not verify the arrears position of both the Consumers and refused to grant supply connection. Further Mr.Dinesh Zalluram Patel has no right to take objection to enjoy electricity by the applied, it being his fundamental right.

4) Distribution Licensee in reply contends that the documents produced by the applicant viz Aadhar Card does not show the relevant address for which connection is sought. No city survey extract nor property tax receipt is produced showing name of the applicant. It is further the contention that one Mr.Dinesh Zalluram Patel submitted his objection vide letter dt.21/08/2017 and 10/11/2017 and also submitted property arrangement bill of property No. AC/19/110, AC 19/109, AC 19/108. On perusal of this papers these properties appear to be in the name of Mr.Dinesh Zalluram Patel and that there were two electricity connections to the same in the name of J.S Patel and Zalura R. Patel.

5) It is the contention of the Distribution Licensee therefore that on scrutiny of the papers if appeared that Mr.Dinesh Zalluram Patel is the owner of the property for which the applicant had applied for connection. Complainant did not produce sufficient document to show his ownership and possession and hence connection can not be given without the consent of the owner. For commercial connection NOC from VVMC is also required.

6) We have heard both sides. CR Mr. Pandey submitted that any person who is an occupier of a premises is entitled for electricity supply under his

fundamental right. It is not necessary that he shall be an owner. There are several judgments of the Hon'ble Supreme court and several High Courts that even a trespasser in settled possession is entitled for electric connection. There is absolutely no quarrel about the proposition. In order to be entitled to electricity supply one has to prove that he is an occupier of premises property irrespective of the who is the owner thereof.

7) What is required to be seen in the above background at the outset is whether the complained is occupier of a particular premises. Now the premises as described in A-1 form is S.No.254 H.No.2/3. Applicant's name is Mrs.Kamaladevi Mullaram Patel. The document produced were as follows i) Record of right (7/12) in respect of S.no.254/1 to 254/10 in which complaints name does not appear any where. ii) Then there is survey map which also does not show the name of complainant iii) There is election I card produced which also does not show the premises iv) Then there are Gas agency document in which address shown is Sai Seva Apartment, nothing to Co-relate to relevant premises (V) election I card a Malluram. Again not relevant and of no help. Address shown is Wada (vi) Ration Card, does not show the present premises some Jadhavpada is the address shown with nothing to Co-relate.

8) In the above senerio no document are produced to show the identity of a particular premises and that complaint is an occupant thereof. There is no quarrel about the proposition put forth by CR Mr. Pandey that mere occupier of a premises is entitled to electricity connection in view of several judgments of Hon'ble Supreme Court. However equally, Distribution Licensee Official owe a responsibility to ensure that applicant has sufficient documents to show that he is an occupant of a particular premises. There should be some title in favour of the applicant. Even possessory title would be sufficient. The question is of recovery of bill for the energy consumed of which charge remains on the property. Distribution Licensee have to ensure that the particular premises is owned by applicant or owner gives NOC. We do not see any default on the part of the Distribution Licensee official in refusing connection to the complainant in this case.

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

10) Hence grievance fail.

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.*

