



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 grievance to the Ex. Engineer, MSEDCL, Mulshi Dn. vide this office letter No.EE/CGRF/PZ/Case No.41 of 2018/231 dated 18.7.2018. Accordingly the distribution Licensee i.e. MSEDCL filed its reply on 05.09.2018. The Respondent utility had submitted his reply very late i.e. 1 day before the hearing.
4. We heard both sides at length and gone through the contention 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.
  - a) The complainant Shri. Dilip Raghu Mirghe has filed his grievance against fraud electricity connection in r/o Mr. Ashok Mahadu Mirghe (Shri.Mahadu Mirghe), whereas its consumer no. is 183821307047 and this consumer no. is in the name of Mr. Mahadu Mirghe.
  - b) Shri. Ashok Mirghe has resident of Bhugaon Grampanchayat and his house is at Matalwadi and house no. is 469. He was applied for his residential connection for the said property and the wrong connection was given by the Respondent without verification of such house No.469.
  - c) The complainant had filed his grievance at IGRC, Pune Rural Circle, Pune regarding the above matter but the IGRC has dismissed the case due to the grievance has been filed after two years i.e. cause of action arisen before two years.
  - d) The Respondent Utility has done the inspection on dated 21.09.2018 by Assistant Engineer, Pirangut – I Section of the said connection and reported that the said meter is installed and in working condition at survey no.39.
  - e) As per the verification report the complainant Shri.Dilip Mirghe for consumer No. 18230054287 is given at M.No.469, Matalwadi

Bhugaon, is at the same place and on the name of Shri.Ashok Mirghe with meter No.03027950. Also at S.No.39, connection is found in the name of Shri. Mahadu Mirghe at Matalwadi, Bhugaon with consumer No. 183821307047 and meter no.75887040.

f) After first hearing the case was heard by both parties such as complainant and the Respondent Utility and during the hearing it was decided that, it was necessary to called to the Shri.Ashok Mirghe because the complaint against him. The Respondent utility had also given a notice to the Shri.Ashok Mirghe and he had submitted his relevant documents during the hearing on 25.9.2018 regarding his ownership at Matalwadi, Bhugaon , Tal.Mulshi at S.No.39, House No.469 in original.

g) After verifying all the relevant documents, the Respondent Utility had given the connection in the name of Shri.Ashok Mirghe was found correct.

5. The complainant Mr. Dilip Mirghe submitted that, Shri.Ashok Mirghe was living at House No.469, Matalwadi - Bhugaon, and he was applying for electricity connection at House No.469, Matalwadi. Thereafter the Section officer has not verified the relevant documents and the connection was released to the consumer. But the actual facts that the place mentioned in the A-1 form i.e. application form and the supply was released in the premises was totally different places. Hence the electricity supply was released unauthorisedly by MSEDCL and hence it is necessary to disconnect the supply and do the needful action regarding the matter.

6. The Respondent Utility had submitted that Mr. Ashok Mirghe had applied the Residential electricity connection on 20.1.2014 with relevant documents, thereafter the survey has been done. The consumer has made all the relevant formalities such as payment made, test report etc. and thereafter the connection has been released on 13.02.2014. The complainant had also said that there is

no any land in the name of Mr.Ashok Mirghe and the construction was made by unauthorized also the name was not mentioned on 7/12 Abstract and 1 R was sold to Mr. Ramchandra Bodke by the registered purchase deed agreement. He was submitted all the fraud documents to the Respondent Utility of the unauthorized house and hence the Residential connection was taken by wrong way by applying fraudulent document and hence the supply was disconnected immediately.

7. On the other hand Mr.Phad, Dy.E.E., Mulshi Sub/dn. submitted on behalf of the Licensee that, the complainant Mr.Dilip Mirghe is saying that connection of consumer Shri.Ashok Mirghe having consumer no.182830054287 was not as per his address M.No.469, Matalwadi, Bhugaon, Tal. Mulshi, Pune. Accordingly the Assistant Engineer, Pirangut has submitted the verification report on 21.9.2018 and as per this report it was found that the connection is in the name of Mr.Ashok Mirghe was found in the same place and as per his documents address i.e. M.No.469, Matalwadi, Bhugaon, Tal.Mulshi, Pune. Also in this report it is noted that the meter make – Rolex and meter No. is 03027950, Residential single phase connection and also the meter is in the working condition. The Respondent utility has submitted all the relevant documents such as A-1 application, Firm Quotation, payment receipt, 8-A Abstract, load etc. of the Shri.Ashok Mirghe. Also the verification report dated 21.09.2018 was submitted by the Respondent Utility of Shri.Mahadu Mirghe and its details are as follows :

Consumer No.183821307047, Meter Make – L&T, Single phase Residential, Meter No.75887040,

Meter installed at S.No.39 and it is in working condition.

8. Mr. Phad, Dy.E.E.,Mulshi Sub/dn. further submitted that the instruction was given in the first hearing that the site shall be visited by the concerned land authority/ department where the connection was given. Accordingly Respondent Utility has been

requested to the concerned local authorities to verify the connection given against the consumer No.182830054287 is at Gat/Milkat No.469 or 39 for proceeding further. However the Grampanchayat Authorities / Land Department were not available within the prescribed time limit and causing the delay and hence section officer has made the verification and reported accordingly. The Ex. Engineer, Mulshi has given letter vide No.EE/Mulshi/T/4354 dated 24.09.2018 and it is reported as Shri.Dilip Raghu Mirghe for Consumer No.18230054287 is given at M.No.469, Matalwadi, Bhugaon is at the same place & on the name of Shri.Ashok Mahdu Mirghe with meter No.03027950. Also at S.No.39 connection is found on the name of Shri. Mahadu Rambhau Mirghe, at Matalwadi, Bhugaon, Tal. Mulshi, Dist. Pune with Consumer No. 183821307047 & meter No.75887040.

9. On this back drop, following issues crop up for consideration –
- a) Whether connection issued in the year of 2014 is legal, valid and proper in the name of original consumer Mr. Ashok Mirghe?
  - b) Whether consumer is entitled for relief to get disconnection of supply given to original consumer Mr. Ashok Mirghe?
  - c) What order?

10. Reasoning :

- a) In the meantime i.e. during the first hearing after heard the case it was noticed that, it is necessary to call to the Shri.Ashok Mirghe because the complaint was against him and hence the Respondent Utility has served the notice to Shri. Ashok Mirghe vide this office letter No.EE/PZ/CGRF/Case No.41 of 2018/307 dated 12.09.2018. And the opportunity was given to the said consumer and he was submitted the relevant documents such as Index-II, 7/12 Abstract, 8 A Abstract, A-1 Applications, NOC from

Grampanchayat, Quotation etc. regarding ownership documents during the hearing. I have perused and verify those documents by me and its stand in the name of original consumer as mentioned in the property registered card, Grampanchayat registered extract, copy of Grampanchayat Tax payment receipt etc. On the basis of these documents utility already issued connection in the name of original consumer therefore I come to the conclusion that the connection is in the name of Mr. Ashok Mirghe is legal, valid and proper.

b) The consumer raised the objection over the property dispute with his relatives and stated original consumer has no right titled over the property in dispute. This Forum can't decide the tilte over the property no.469/S.No.39 if any. It appears that objection and dispute raised over the internal relatives property dispute which is not entertained by this Forum. Prayer of this complaint to disconnect the supply can't be disconnected nearly allegation of production of fraudulent document of original consumer. According to me connection issued in the year of 2014 to the original consumer can't be disconnected without any proper and legal valid reasons available to the utility.

c) On the above backgrounds it is clearly stated that, consumer complaint cannot be entertained by this Forum. Hence consumer complaint no.41/2018 stands dismissed with cost.

11. It appears that the dispute is not between consumer and utility neither consumer claims and relief. But dispute them created by neighbourer relatives of consumer raised /objections, over the dispute of property with relatives which is not in the purview of MERC Regulation, 2006 of Section 2 C as below :

*“ Grievance” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes interalia (a) safety of distribution system having*

*potential of endangering of life or property and (b) grievances in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.*

Hence the dispute cannot be entertained by this Forum which is outside the jurisdiction of this Forum, as question of titled over the property cannot be decided by this Forum. Hence objection raised by consumer is required to file in Competent Civil Court & to get confirmation of title.

12. From the above perusal documents, the complaint is hereby stands dismissed with cost.
13. The opportunity was given to both parties i.e. utility and consumer for submission of their relevant documents and if any say is required during the hearing. Accordingly, the time limit of 60 days prescribed for disposal of the grievance could not be adhered to.
14. In view of the foregoing, I am inclined to pass the following order.

### **ORDER**

- I) The case No.41/2018 stands dismissed with cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 31.10.2018.

#### **Note:**

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

#### **Address of the Ombudsman**

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / Disagree-

I agree / Disagree

Sd/-  
**ANIL JOSHI**  
**MEMBER**  
**CGRF:PZ:PUNE**

Sd/-  
**A.P.BHAVTHANKAR**  
**CHAIRPERSON**  
**CGRF: PZ:PUNE**

Sd/-  
**BEENA SAVANT**  
**MEMBER- SECRETARY**  
**CGRF:PZ:PUNE**