



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/151/1801 of 2018-19

Date of registration : 07/01/2019

Date of order : 30/01/2019

Total days : 23

IN THE MATTER OF GRIEVANCE NO. K/E/151/1801 OF 2018-19 OF SHRI.VILAS DATTU JHAWERI, R/AT MAHARASHTRA HOUSING ROAD, NAVIN BAITHI CHAWL NO.11, ROOM NO.69, AMBERNATH (W), DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Shri.Vilas Dattu Jhaweri,
R/at Maharashtra Housing Road,
Navin Baithi Chawl no.11,
Room no.69,

Ambernath (W), Dist. Thane . . . (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 - Shri.R.M.Sontakke, AEE, Badlapur, (E) S/dn.

For Consumer - Shri.Vilas D. Jhaweri (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) Complainant herein is an aspiring consumer. Grievance is that complaint applied to the Distribution Licensee MSEDCL for fresh connection to his premises but Distribution Licensee has refused to grant the same. Complaint seeks direction to Distribution Licensee to sanction connection and also compensation for losses.

3) Distribution Licensee in reply contends that on inspection of the premises it was found that the property is situated at station pada, Kulgoan-3, Badlapur East with property no.14003257 old no. 388-A and no.14003258 old no.388-B. It was further found that the property no.14003257 was divided in two shops where L & F connections for commercial purpose have been issued in the name of Shri.Vilas Dattu Jhaweri, vide consumer no.021540136227 and another connection in the name of Shri.Pravin Dattu Jhaweri vide consumer no. 021540535750 released on 30/05/1998 and 30/08/2008 respectively. Property no.14003258 has been further subdivided of which one part is used for Residential purpose for which electric supply is in the name of Shri.Pravin Dattu Jhaweri vide consumer no.021540489626 released on 06/06/2006. Other two shops for which consumer no. 021540448300 and another connection in the name of Shri.kailas Dattu Jhaweri.

4) From the above facts it is clear that both the properties have been subdivided in to five parts which are physically isolated and supplied with electricity through five separate energy meters. Complainant Shri.Vilas Dattu Jhaweri applied for electricity to the shop under his possession where there is already one connection given bearing consumer no.021540448300 released on 04/05/2008. Two connections cannot be given to same premises.

5) Distribution Licensee further states that a Civil court bearing no 45/2015 is pending about the property in which an injunction order is passed and the matter is subjudice before Civil Judge, Ulhasnagar.

6) We have heard both the sides. At the outset there is no description given in the complaint of the property in specific occupation of the applicant for which supply was sought. It is revealed by Distribution Licensee that applicant seeks connection to one shop premises for which there is already a connection given in 2006 which is in the name of Shri.Pravin Dattu Jhaweri. Applicant is unable to contradict the same by evidence. There is a Civil suit is pending. Property is ancestral and joint. Civil court is seized of the matter. Applicant has shown an Injunction order which in fact confirms the fact that the entire property is ancestral and joint. Only Civil Court which is seized of the matter can look in to whether a particular property or shop premises is in the occupation of the applicant. When such an issue is subjudice in a Civil Court this forum is barred from entertaining any such dispute.

7) Further as has been contended by Distribution Licensee if there is already a connection in the shop premises for which applicant is asking new connection Distribution Licensee is well within its powers to reject the application. It is for the applicant to ask for change of name for the existing connection. So there appears to be serious question as to who is the occupant which only Civil Court can decide.

8) Applicant shows an order of Hon'ble High court in which applicant was asked approach this Forum and Forum to decide the complaint as per law. We have gone through the order. The order merely directs the applicant to appropriate forum having jurisdiction. Further the applicant has suppressed the fact from the Hon'ble High court about the Civil suit pending on the issue of actual occupancy along with others. The order does not operate a mandate to grant the complaint.

9) Grievance fails.

Hence the Order

ORDER

Grievance is dismissed.

Date: 30/01/2019

(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.