



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/DOS/83/1799 of 2018-19**

Date of registration : 02/01/2019

Date of order : 06/02/2019

Total days : 35

**IN THE MATTER OF GRIEVANCE NO. K/DOS/83/1799 OF 2018-19 OF SHRI.RAGHUNATH MUKUND NAIK, SY.NO.284, H.NO.3 A, ZAPAKE WADI, SOPARA ROAD, BOLINJ, PIN CODE-401 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

Shri.Raghunath Mukund Naik,

SY.No.284, H.No.3 A,

Zapake Wadi, Sopara Road,

Bolinj, Pin Code-401 303

(Consumer No. 001540425015)

. . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited

Through it's Nodal Officer/Addl.EE.

Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.D.V.Karajagi, AEE, Virar (W) S/dn.

For Consumer - Shri.Vaze (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) The Consumer herein is one Shri.Raghunath Mukund Naik having consumer no.001540425015. Grievance is that consumer has LT single phase connection with 2HP water pump used for lifting of water from well at Zapake Wadi, Bolinj-Sopara Road, village Bolinj. As up to the billing of month of March-2018 bills were paid regularly, last bill was paid on 3<sup>rd</sup> April-2018. There after some bills appeared in credit which were obviously not payable. A week ago consumer received a bill which showed arrears of Rs.1,23,209/- which was shocking. Before consumer made enquiry his supply was disconnected without notice, as per section 56 (1). This would severely affect cultivated crop due to stoppage of irrigation.

3) Consumer prayed for reconnection of supply immediately without reconnection charge. Provide details of charges shown of arrears.

4) Distribution Licensee in reply contends that there are arrears pending against the consumer against bill raised under section 126 IE Act. Case under section 126 has been registered for using AG connection bearing no. 001540425015 for construction of premises. There is new connection application made for the said premises under construction. Bill under section 126 has been issued to consumer which he has not paid. The assessment bill of Rs.11,36,629/- has been added in Sept-2018 bill. As the bill is unpaid connection cannot be released.

5) We have heard both sides. It is revealed during hearing that consumer has illegally used the supply from his connection for construction of a building. Consumer clearly admitted the said fact which was suppressed in the complaint filed before us and a mandate was sought for reconnection without reconnection charges. No such relief could be granted in those terms on account of suppression of material facts. Mr.Vaze, consumer representative submitted that no proper procedure has been followed. There is clear violation of procedure to be follows under section 126 IE Act.

6) **6.8. (a) runs thus :**

**6.8 If the forum is prima facie of the view that any grievance referred to it falls within the purview of any of the following provisions of the act the same shall be excluded from the jurisdiction of the forum :**

**(a) unauthorized use of electricity as provided under section 126 of the Act.**

7) We have given a thought to the submission made by consumer representative. It is an admitted fact that the supply has been unauthorizedly used from the connection for construction of a building. It also appeared during the arguments that there was none regularly present at the connection site to receive bills and notice. That being so when factually there is no dispute of the

criminal Act and in the above circumstances this court is ousted of jurisdiction to entertain the grievance. This forum has limited jurisdiction and cannot assume jurisdiction to see whether procedure under section 126 has been followed or not. It is specially so when the fact that there is illegal user is not in dispute and Electrical Inspector is competent to entertain such a grievance.

8) Grievance fails.

Hence the Order

**ORDER**

**Grievance is dismissed.**

**Date: 06/02/2019**

(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.

