

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No. 23/2019

Date of Grievance : 02.04.19

Date of Order : 10.05.19

In the matter of restoration of power supply of P.D./Non-use consumer.

Shri.Mahendra Jethalal Shaha, ----- APPELLANT

S.No.700-703, Plot No. -4,

Tapodhan Socy., Opp. Bhandari Market,

Mukundnagar,

Pune- 411009

(Consumer No. 170015612935)

VS

The Executive Engineer,
M.S.E.D.C.Ltd.,
Parvati Division,
Pune -411030.

----- RESPONDENT

Present during the hearing:-

A] - On behalf of CGRF, Pune Zone, Pune.

- 1) Shri. A.P. Bhavathankar, Chairman, CGRF,PZ, Pune
- 2) Mrs. B.S. Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr. Anil Joshi, Member, CGRF, PZ, Pune.

For Restoration residential power supply to the premises.

1. The above named consumer had initially filed a complaint before IGRC on dated 12.03.2019 informing that himself, and other six others, were tenant occupants of the same premises i.e. Ulhas '4', Tapodhan Society, Mukundnagar, Pune - 411037. According to the complainants, himself and other six consumers had obtained the residential service supply connection from the Respondent at the time of occupation of their flat which is in his / their continuous possession for a very long period by now and that the Appellant had been paying the electricity bills of the Respondent due as and when.

2. The Appellant is one of the tenants of late Narayan Laxman Nirgudkar who is reportedly no more now. One Mrs. Swati Sunil Alate, who claimed to be the legal heir of late Shri Narayan, has represented to the Respondent Utility vide her application dt. 28.01.2019 to disconnect the power supply to one and all of the tenants of the premises since there was no use of the electricity connection at the place. The said application by Mrs. Swati is also independently endorsed by one Shri Raman Narayan Nirgudkar and Shri Suhas Narayan Nirgudkar who too claimed to be the brothers of Mrs. Swati and also legal heirs of the late Shri Narayan. Following the said representation dt. 28.01.2019 the Respondent Utility had disconnected the power supply of the Appellant on the grounds of written request by the legal heirs of the owner of the premises. It appears from the documents placed on record by the Appellant that the Respondent Utility had disconnected the electricity supply of the Appellant here Shri.Mahendra Jethalal Shaha, as also the other five Appellants, faultily and intentionally as well without going into the validity and merits of the application made by Mrs. Swati, applicant to the Respondent Utility and also the legal heir of the deceased landlord Shri Narayan. Following sudden disconnection by the Respondent Utility without even the knowledge of the Appellant, as also without any substantiating grounds for their action of disconnection, the Appellant / consumers approached to the Respondent Utility and requested for restoration of supply, but in vain. This a situation led to filing of a complaint by the aggrieved consumers in form No.-X on dated 12.03.2019 to the IGRC and the matter is not yet conclusively decided by the IGRC. Despite this, the aggrieved consumer had approached this Forum on 26.03.2019 and filed a simultaneous complaint in Form – A for Interim relief by way of restoration of power supply and suitable directions to the Respondent Utility in this regard. The complaint of the Appellant was registered at the office of the CGRF with distinctive number as **Case No. 18 of 2019** followed by a notice to the Respondent Utility on 03.04.2019 returnable on 18.04.2019. In response to the said notice, the Respondent Utility filed a copy of each – i.e. CPL, verification report of the said consumer dt. 29.01.2019 and its submission bearing No.966 of 16.04.2019. In its response to the CGRF Notice, the

Respondent Utility has submitted that the said consumer has filed the simultaneous application before this Forum notwithstanding similar application in Form No.-X being under process before IGRC for hearing and final disposal. The Respondent Utility further submitted that the supply of the Appellant / aggrieved consumer is permanently disconnected on the request by the legal heirs of the owner of the premises on specific application to that effect to the Utility in January, 2019 wherein the legal heirs claimed the reasons for permanent disconnection as “non-occupation and non-use of the power supply”. Therefore, on the request of the legal heirs, the supply was disconnected by the Respondent Utility. The report indicates that, the said premise was not in use and also it is seen that, the electricity consumption had also not been recorded for more than six months. In view of this, it is apparent that the consumer is in non-occupant of the premises during the said period and that there was no electricity consumption for the concurrent period. On this backdrop, therefore the action taken for permanent disconnection by the Respondent Utility was considered on the specific request in writing from the legal heirs of the landlord. The Respondent further submitted that even for reconnection of supply to the above named consumer, whose electricity supply had been permanently disconnected, the legal heir of the deceased owner of the premises had raised her objections for restoration of supply and the same had also been informed to the consumer.

3. It is also submitted subsequently by the Utility that the complaint of the consumer made to the IGRC is under process and urged the Forum to postpone hearing in the said case only after orders of the IGRC are passed as provided in the MERC regulations.

4. I have perused the reply of the Utility to the CGRF notice and nature of complaint filed by the consumer. The supply of the consumer was disconnected by the Utility. Therefore direction was given at the time of considering these issues it appears to me that, the consumer admittedly approached to IGRC RPUC in view of the provisions contained in Regulation No. 6.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 which reads as follow:

"6. Procedure for Grievance Redressal -

6.2 A consumer with a Grievance may intimate the IGR Cell of such Grievance in the form and manner and within the time frame as stipulated by the Distribution Licensee in its rules and procedures for Redressal of grievances:

Provided that where such Grievance cannot be made in writing, the IGR Cell shall render all reasonable assistance to the person making the Grievance orally to reduce the same in writing.

Provided also that the intimation given to officials (Who are not part of the IGR Cell) to whom consumers approach due to lack of general awareness of the IGR Cell established by the Distribution Licensee or the procedure for approaching it, shall be deemed to be the intimation for the purposes of these Regulations unless such officials forthwith direct the consumer to the IGR Cell."

5. In view of the provisions contained in the MERC Regulations referred to above, the consumer is required first to obtain necessary orders at the from IGRC. On this background the representation of the Utility that, this Forum ceases to entertain the complaint / Appeal of the consumer at this stage and that the consumer is at liberty to file fresh complaint / Appeal to this Forum after the decision order of the IGRC is passed within stipulated period in respect of the undecided complaint of the consumer before the IGRC. . Hence I am not inclined to entertain the dispute of consumer at this stage.

I proceed to pass the following order:

ORDER

1. Consumer Complaint of Case No.23 of 2019 stands disposed of.
2. The dispute of the consumer is under the consideration of IGRC which is required to be decided within the stipulated time norms by MERC. The request of the MSEDCL not to proceed in the present complaint of the consumer is also considered positively.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 10th May - 2019.

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