



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

NO. K/N/157/1864 of 2018-19

Date of registration : 01/04/2019

Date of order : 24/04/2019

Total days : 24

IN THE MATTER OF GRIEVANCE NO. K/N/157/1864 OF 2018-19 OF MRS. NEELAM C.SINGH RAJKUMAR, 402, LAXMI CHHAYA C.H.S.LTD., BUILDING NO.A-06, BLOSSOM COMPLEX, SHIRDI NAGAR, ACHOLE, NALASOPARA (E), TAL. VASAI, DIST. PALGHAR, PIN CODE-401209. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Mrs. Neelam C.Singh Rajkumar,
402, Laxmi Chhaya C.H.S.Ltd.,
Building No.A-06, Blossom Complex,
Shirdi Nagar, Achole, Nalasopara (E),
al. Vasai, Dist. Palghar,
Pin Code-401209

. . . (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.Dyandev Apandkar, UDC, Achole S/dn.

For Consumer - Shri.C.P.Singh (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) Applicant Mrs. Neelam C.Singh Rajkumar is a prospective consumer who has been denied supply connection by Distribution Licensee. It is contended that applicant applied for new connection to her premises at 402, Laxmi Chhaya C.H.S.Ltd., Building No.A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai, Dist. Palghar, Pin Code-401209. Assistant Engineer, Achole-2 Mr.Rane issued a letter for verification of documents which she replied on 20/01/2018 with all the documents. Addl. Executive Engineer rejected her application on 25/10/2018 stating the reason that the property is under dispute. Application status that no supply connection was given within the time limitation as provided nor any intimation given in that regard as provided under section 43 (1) of IE Act 2003.

3) Applicant therefore prays that new connection be sanctioned and action be taken against erring official for not taking appropriate action within statutory time under section 4.3 (1).

4) Distribution Licensee in reply contends that they did receive an application for new connection on 14/11/2017 for Mrs. Neelam C.Singh. On the said property there was a connection bearing consumer no.001900985980 in the name of Mr.Ramji P.Tripathi. It is further stated that after taking legal opinion the application was rejected.

5) We have heard both sides. This is a simple matter which has been complicated by the Distribution Licensee official. The property originally belonged to Mr.Ramji P.Tripathi. present applicant is Mrs. Neelam C.Singh. Applicant Mrs. Neelam C.Singh claims to have purchased the same from Tripathi. She made an application for new connection to which Mr.Tripathi objected saying that the documents under which Mrs. Neelam C.Singh claims to have purchased the property are bogus documents and for that reason Distribution Licensee straight away rejected the application and denied new connection to applicant. There is neither any Civil suit pending between the parties much less any injunction order. There is merely some criminal complaint filed and a Police Officer has opined that the document are fake a bogus which is totally redundant. Distribution License officials appears to have based their action on the opinion of police officer which is fallacious.

6) It is seen further from the facts that there is a checkered history in this matter. It is true, though that the property originally belonged to Mr.Ramji P.Tripathi but then there is a registered document of irrevocable power of attorney in respect of the said property from Mr.Ramji P.Tripathi in favour of Mr. C.P.Singh in which it is mentioned that C.P.Singh has been in occupation of the said property as co-owner since the registration of the society. It has been further recorded by him in the said deed interalia that he appoints and constitutes Mr.C.P.Singh is lawful attorney and get the flat transferred in the name of his said attorney etc. Pursuant to the

said power of Attorney Mr.C.P.Singh transferred the said property to Mrs. Neelam C.Singh under a registered deed of conveyance.

7) Thus there are two clear registered documents under which the property was transferred in the name of Mrs. Neelam C.Singh and no dispute is raised about the same in a Civil Court about genuineness of the same. That being so the Registrar of co. opp. Society has also rightly granted membership of the society to Mrs. Neelam C.Singh, also Vasai-Virar Municipal Corporation has recorded the name of Mrs. Neelam C.Singh in their record for the said property.

8) Above being the state of affair even MSEDCL had rightly recorded the name of Mrs. Neelam C.Singh to the electricity Supply connection to the said property having consumer no.001900985480. It is very difficult to understand how in April-2017 his name was removed and replaced by Mr.Ramji P.Tripathi. It is very unfortunate that even the legal cell of the Distribution Licensee gave such an opinion in all the above background. We are told that now this Mr.Ramji P.Tripathi is playing the trick by getting the connection in his name disconnected and objecting to Mrs. Neelam C.Singh in getting a new one. A confusion is being created by Distribution Licensee also that there is one connection existing in the premises which stands in the name of Mr.Ramji P.Tripathi that second new connection can not be sectioned. What a strategy! and poor occupant lady is being harassed. A clear order is therefore necessary to see that Mrs. Neelam C.Singh the occupier is not further inconvenienced and harassed by denying energy supply to her premises.

Hence the Order

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) MSEDCL to grant supply connection to Mrs. Neelam C.Singh To The Premises 402, Laxmi Chhaya C.H.S.Ltd., Building No.A-06, Blossom Complex, Shirdi Nagar, Achole, Nalasopara (E), Tal. Vasai, Dist. Palghar, Pin Code-401209 forth with.
- 3) In case there is already a connection existing in the said premises it be transferred in the name of Mrs. Neelam C.Singh forth with as per regulation.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 24/04/2019

(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.