



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/135/1930 OF 2019-20

Date of registration : 07/08/2019

Date of order : 04/11/2019

Total days : 89

IN THE MATTER OF GRIEVANCE NO.K/DOS/135/1930 OF 2019-20 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 DISCONNECTION OF SUPPLY.

Mrs.Neelam C. Singh Rajkumar,
402, LaxmiChhaya C. H. S. Ltd.,
Building No.A-06, Blossom Complex,
Shirdi Nagar, Achole, Nalasopara (E),
Tal.Vasai, Dist. Palghar, Pin Code-401209
(Consumer No.001900985980, LT - Res.)
V/s.

. . . (Hereinafter referred as Consumer)

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.Dilip Ghusalkar, AA, Achole S/dn.

For Consumer - 1) Shri.C.P.Singh(C.R.)
2) Shri.Ramji Tripathi(C.R.)

[Coram- Shri.A.P.Bhavthnkar -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 Redressal 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) Consumer complaint no.1930 of 2019,original Consumer Shri.Ramji Tripathi, 402, Laxmi Apartment, Blossom Complex, Achole Road, Nalasopara (E),Consumer No.001900985980.Occupant Mrs. Neelam Singh and C.P. Singh Raj Kumar, connecting load 5KW date of connection 02/11/2004.Complaint about illegal disconnection and taking action against utility officials for illegal disconnection. Above name consumer filed grievance in reply to the letter dtd.25/10/2018 issued by utility alleging that on 14/11/2017 the Occupant Mrs.Neelam Singh & C P. Singh Rajkumar made application for transfer of connection in their name. In support of the said application, Consumer produced document copy of power of attorney and other document for address of the said flat. The said connection is used for residential purpose. After knowing this fact to the original Consumer Shri.Ramji Tripathi he raised objection alleging that, document executed alleged and produced by Mrs.Neelam C. Singh Rajkumar for getting transfer of connection in their name was fraudulent. Thereafter the connection was restored in the original name of owner Shri.Ramji Tripathi. Thereafter letter was issued by utility informing Mrs.Neelam C. Singh Rajkumar to produce other document about occupation and transfer of legal rights in their name by original owner. On getting aggrieved by transfer the said connection in the original name of Shri.Ramji Tripathi. This grievance is raised in the meantime when the connection of these premises was disconnected by utility for the reason of nonpayment of bill for the month Aug and Sept 2017. Thereafter the occupant paid the arrears by depositing cheque and the connection was restored. The grievance was filed by this occupant that on 22/09/2017 he deposited the bill but on 27/09/2019 the connection was permanently disconnected and therefore he alleged illegal disconnection. Initially consumer file dispute before IGRC. After filing the said dispute IGRC registered the case on the complaint on 25/01/2018. According to the said occupant Mrs.Neelam C. Singh Rajkumar no opportunity for hearing was given and copy of document and reply also not given and IGRC decided the dispute vide case no.1859 by order on 04/04/2018. IGRC passed order stating that the grievance of the applicant was resolved, as connection is restored and allegation of taking action against MSEDCL officer cannot be taken by IGRC and liberty is given to consumer to file the grievance before appropriate disciplinary authority. The occupant consumer alleged being dissatisfied by the order, proceeded to sick relief and file complaint in form no. 'A' before this forum on 07/08/2019. After filing the said dispute the office registered the case vide case no. 1930 of 2019. Notice was issued Respondent Utility on 07/08/2019 giving direction to the utility to file reply on 21/08/2019. Thereafter Respondent Utility appeared and filed reply on 11/09/2019. Respondent Utility submitted that on 25/09/2009 occupant Mrs.Neelam C. Singh Rajkumar filed application for change of name of connection, along with the said application documents of agreement of sale dtd.25/04/2008, franking receipt no.78541 and no objection certificate was submitted. Accordingly in the month of Mar-2010 the connection was transferred in the name of Mrs.Neelam C. Singh Rajkumar. Thereafter knowing the said fact to the original owner Shri.Ramji Tripathi made complaint to Deputy Executive

Engineer Nalasopara Shri Nitin Pevekar and alleged that he, did not executed any document on 25/09/2009 nor agreement of sale of executed by him. Original owner Shri.Ramji Tripathi also inform to the Dy. Executive Engineer that he made complaint Nalasopara Police Station for alleged fraudulent document executed by Mrs.Neelam C. Singh Rajkumar under forged signature and fraudulent document came to be prepared and submitted before utility. After complaint in Nalasopara complaint is registered by C.R.No.356/ 2012 and investigation was made by the police authority. There after the letter was issued to the occupant and the matter was enquired after obtaining legal opinion from Kalyan regional office. The letter was issued by the utility official and offence was registered and FIR was filed against the occupant for submitting fraudulent document for change of name. Also as per advice form the legal department the connection was restore in the original name of Shri.Ramji Tripathi in the month of April-2017. The occupant Mrs.Neelam C. Singh Rajkumar prepared fraudulent document and produced and misguided the utility authority and which was informed to the Police and case is registered. Thereafter the connection stands in the name of original owner Shri.Ramji Tripathi and the bill was outstanding, therefore Respondent Utility issued notice under section 56(1) of IE Act 2003. Thereafter the payment history online was verified, the occupant deposited amount for arrears of bill for 27/09/2017 for the outstanding bill of Aug-2017. Thereafter the connection was restored, which was disconnected on 27/09/2019.In the month of Feb-2018 there connection charges was paid but the name of the occupant and original owner was in the list of P.D.As per direction the connection was restored. Respondent Utility pray for rejection of complaint, as the disconnection was made with giving notice on 22/08/2017 to the original owner Shri.Ramji Tripathi, informing about nonpayment of Electricity bill and demanded the said bill to be paid within 15 days. In the month July-2017 outstanding amount was 6910/- .There for the connection is legally disconnected for nonpayment of dues in proper time after notice. Utility pray for rejection of complaint.

After perusing rival contention following points arose for my consideration to which I have recorded my finding to the point for the reason given below :

Points :

- 1) Whether occupant Mrs.Neelam C. Singh Rajkumar are consumer within the definition of Maharashtra Electricity Act 2003 and as per Regulation Section 2 (B) of supply code 2005?
- 2) Whether connection and supply is illegally disconnected on 27/07/2017?
- 3) Whether consumer entitle for any relief?
- 4) What order ?

The consumer filed various documents on record along with complaint copy of IGRC order. Respondent Utility filed copy of document received from Nalasopara and Palghar Police Station. For giving proper opportunity for hearing, I have given notice to original owner Shri.Ramji Tripathi and also alleged occupant consumer Mrs.Neelam C. Singh Rajkumar. After service of notice to original owner Shri.Ramji Tripathi, he submitted documents of complaint filed by him in police station. Original owner also submitted grievance of illegally change in the name and illegal

possession occupation Neelam C. Singh Rajkumar and copy of FIR filed against each other on various dates. I have minutely gone through the documents produced by consumer and original owner Shri.Ramji Tripathi.It appears that, the possession of the said flat was in seriously dispute against which this original owner Shri.Ramji Tripathi filed police complaint. Documents filed by original owner also revealed that even charge sheet is filed in the court against illegal occupation case of Mrs.Neelam C. Singh Rajkumar. The dispute of the possession of the said flat is pending in competent court of criminal jurisdiction.

Coming to the dispute Respondent Utility submitted that the occupant Mrs.Neelam C. Singh Rajkumar filed application of change of name of connection and tried to transfer the said connection in their name for ulterior motive. The documents which are produced by illegal occupant Mrs.Neelam C. Singh Rajkumar came to challenge by original owner. The action was taken and the original status of connection in name of Shri.Ramji Tripathi was restored. There was serious dispute about possession of the flat by this applicant. Coming to the definition of the consumer ,as per the copy of CPL and original bill produced stands in the name of Shri.Ramji Tripathi who is the original consumer. There is no document, except reply given by utility that, the said connection was transferred in month of Mar-2010 but it was restored in the original name in the month of April-2017. To my view, since the status of original owner Shri.Ramji Tripathi is restored the occupant Mrs.Neelam C. Singh Rajkumar cease to become a consumer, as per statutory available record of Respondent Utility and therefore grievance is raised by Mrs.Neelam C. Singh Rajkumar cannot be entertain either by IGRC or by this forum. In the interest of justice, the question of possession for the premises is pending before competent criminal court and dispute is sub judice in the court. This forum cannot express and entertain to decide the proper title for the validity of the document at this stage. The allegation made by occupant Mrs.Neelam C. Singh Rajkumar regarding illegal disconnection is verified by this forum. Respondent Utility produced copy of notice dtd22/08/2017 the notice is under 56 (1) of Electricity Act demanding arrears of bill for the month Jul-2017 issued in the name of Shri.Ramji Tripathi for demanding amount 6910/-. It is surprising to note that, during the hearing, before this forum, the original owner Shri.Ramji Tripathi clearly stated that, he did not paid the bill and he has no dispute of illegal disconnection but further alleged that, in fact the supply of premises for never disconnected and Electricity is used by the occupant. Further papers filed by utility disclosed that, the case of illegal use of supply under 135 proceeding for initiated and finalized. It further appeared that the cheque deposit was made by the party on 27/09/2019 which is the date of disconnection and restored in Feb-2018. As per the utility record it is disclosed that the status of P.D. connection and date of restoration the supply. The bill was issued and amount was paid, this fact needs to be investigated by Utility properly.

Coming to the dispute raised before this forum. To my view, since April-2017 the connection is restored in the name of original name Shri.Ramji Tripathi, the occupant however illegal as alleged, is no consumer within the said definition of supply code 2005.As such the complaint of illegal disconnection cannot be entertained and adjudicated by this forum. The question of giving opportunity to hear the party in dispute is simple procedure but not followed

by utility. Therefore I am inclined to issue cautious direction to IGRC and Utility official not to violate natural principal of justice. The effecting party should be heard by giving them proper opportunity under intimation before taking any action. Further, I feel it is proper to inform to utility authority that as the supply is already restored in the month of Feb-2018, the Utility shall not disconnect the supply except due procedure of law. The connection shall be continue to stand in name of Mrs.Neelam C. Singh Rajkumar as per previous order of this forum till the dispute is finally decided by competent Civil or Criminal Court by order. Hence I am not inclined to grant any relief to the consumer. Hence the consumer complaint liable to be stand dismissed in the fair interest of justice. No order of to the cost.

3) The delay is due to completion of tenure of previous Chairperson Shri. Garde & additional charge taken by me. The matter has heard again in the presence of original owner Mr. Ramji Tripathi, which consumed lot of time hence the delay.

Hence the order

ORDER

Consumer complaint 1930 stand dismissed.

Date: 04/11/2019

Sd/-
(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

Sd/-
(A.P.Bhavthnkar)
Chairperson
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan

NOTE

- 1) 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.
- 2) "Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51".
- 3) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- 4) 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"

- 5) 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.