

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., Bhandup Urban Zone, Bhandup**

Case No. 298/2018

Date of Grievance: 22.03.2019

Date of Hearing :16.04.2019

Date of Order:**EE/CGRF/BUZ/514dtd10.12.19**

In the matter of New Connection

Mr.Thakkar Pravin,

Shop No.02, Zenith Compound,

Kalyan Road, Near Aas BIbi Masjid,

Bhiwandi-421302.

(Consumer No. 13013480456)

VS

The Executive Engineer,

---- Respondent

M.S.E.D.C.Ltd.,

Bhiwandi Circle,

Bhiwandi.

Quorum:

1. Dr. Santoshkumar Jaiswal, Chairman.
2. Shri. Mr. Ravindra Avhad, Member Secretary.
3. Mrs. Sharmila Ranade, Member.

Present during the hearing:-

A] - On behalf of Appellant

Mr. Pravin Thakkar - Consumer Representative

B] - On behalf of Respondent

1. Mr.Mahesh Ghagare, Manager, TPL
2. Hemangi Mayker, Assist. Manager, TPL
3. Mr. Satish Dhope, Addl. Executive Engineer, MSEDCL.

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'.

2. The applicant is stating that the company has released the new connection for service number 13013480456 on the name of MR Prajapati Ramsata. As per the applicant the documents submitted by the consumer are fake. Hence the company should take appropriate action against the same.

He has further submitted that, to clarify that as per section-43, E.A. Act of 36 of 2003, is not empowered, unauthorized occupier, enjoying the benefit of electricity on fraudulent tax municipal tax receipt is declared by concerned municipal authorizes un-authorize occupier.

He has further submitted that, to clarify that as per MSEDCL Commercial Circular NO. ref. No. 19021dtd.06.07.2013 on page No.2 Regulation No. 4.5.6, the arrears diverted on such live connection.

He has further submitted that, to clarify that the connection is sanctioned on House No.142/2 on fraudulent municipal tax receipt is declared by concerned Assistant Commissioner Municipal, B.N.C.M.C., but it released in my house No.142/0, Narpoli, Bhiwandi.

3. The M/s. TPL Submits that, the company would like to state that new connection vides service No.13013480456 released on 20.05.2009 in the name of Mr. Prajapati Ramsatan with the necessary and relevant documents received from the applicant. Please note that as per section 43 of Electricity Act 2003,"[save as otherwise provided in this Act, every distribution] licensee, shall on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply".

Further as per section 2.2.2 of condition of Supply 2005 *'The MSEDCL shall neither be responsible nor liable to ascertain the legality or adequacy of any such certificates/permissions, which might have been submitted by the applicant/consumer along with the application. Further it shall not verify the competency of the Authorities who so ever might have issued such certificates/permissions and shall believe such certificates/permissions to be sufficient and valid, unless proved to be contrary; Further, the electricity bill neither reflects a title nor is to be used as a proof of ownership of any property or premises.'*

We have gone through the contents of the grievances and replied filed by utility. We also gone through order of IGRC dtd. 01.02.2019. It was observed that the fake papers at the time of new connection alleged by the applicant. But applicant has any police complaint not issue any legal notice to any consumer. Therefore this complaint does not stand as the definition of the grievance mentioned in the regulation 2.1© of MERC Regulation 2006 and therefore this application was dismissed by IGRC.

Here the applicant submitted that, the arrears of the connection released in his House No.14142/0, Savitaben D. Thakkar, Narpoli, and Bhiwandi. I have diverted on the live connection. The applicant further clarify that connection is sanctioned and having no.242 that on house No.142/2 on fraudulent Municipal Tax receipt. But the House No. 14142, Savitaben D. Thakkar was house no. 142/0. Therefore the premise was not the same. Therefore, applicants claim that the order pass by IGRC is set aside and to remove the connection No.13013480456 from his House No.142/0 of Savitaben B.Thakkar and award the compensation of Rs. 25,000/- from the utility and penalty of Rs. 10,000/-.

The utility has submitted that as per Section 2.2.2 of condition of Supply Code 2005 the MSEDCL shall neither be responsible nor liable to asserting the legality or any adequacy of any certificate permission. Further as per section 2.2.2 of condition of Supply 2005 *'The MSEDCL shall neither be responsible nor liable to ascertain the legality or adequacy of any such certificates/permissions, which might have been submitted by the applicant/consumer along with the application. Further it shall not verify the competency of the Authorities who so ever might have issued such certificates/permissions and shall believe such certificates/permissions to be sufficient and valid, unless proved to be contrary; Further, the electricity bill neither reflects a title nor is to be used as a proof of ownership of any property or premises.'*

It appears from the record that the amount due in House No.142/0 or 142/2 was settled upon the live connection and this done according to MERC Rule. Therefore, I found no illegality in it.

Hence, we proceed to pass the following order:

ORDER

This application is hereby dismissed.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**MR. RAVINDRA AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.