

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 59 OF 2023

In the matter of disconnection of power supply

Brijeshkumar Digambar Mishra & Abdul Rahim Miya.....Appellants

V/s.

Maharashtra State Electricity Distribution Co. Ltd. VashiRespondent
(MSEDCL)

Appearances:

Appellants : Abdul Rahim Miya

Respondent : 1. D. K. Mohod, Executive Engineer, Vashi Dn.
2. R. H. Gophane, Addl. Executive Engineer, Airoli Sub. Dn.
3. Vijay Namdev, Assistant Engineer
4. S.G. Palave, Assistant Engineer


Coram : Vandana Krishna [I.A.S. (Retd.)]

Date of hearing : 23rd June 2023

Date of Order : 14th July 2023

ORDER

This Representation was filed on 2nd June 2023 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 26th May 2023 passed by the Consumer Grievance Redressal Forum, Bhandup (the Forum). The



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Forum dismissed the grievance application in Case No. 187 of 2023 and also revoked its interim order dated 15.03.2023.

2. The Appellants being aggrieved by the Forum's order dated 26th May 2023 have filed this representation. The hearing was held on 23rd June 2023. The Appellants' submission and arguments are taken in brief as under: -


- (i) The premises in question are located in a slum in an encroached area, where galas / houses are not numbered. The Appellants had purchased the premises (Galas/shops) from Shri Mahendra Pratap Singh on 24.02.2020 at Yadavnagar, M.I.D.C. Road, Navi Mumbai. The premises are used for one shop and one food processing unit as a Farsan factory. The premises is located in Gat No. 18/1 at Yadav Nagar, Ilthan village near MIDC and not on Gat No. 18/2 and Gat No. 18/3.
- (ii) The Appellants had applied for two new electric connections with the required statutory documents. Shri Sanjay Dhurve, Senior Technician, MSEDCL, Airoli Section of the Respondent had carried out the site survey and recommended these connections for sanction. The details of the connections are as below:-
 - a) 7.5 KW load under commercial tariff category at near Swami Dharmanand Ashram, MIDC Road, Yadav Nagar, Thane, Navi Mumbai. The supply was released on 19.10.2020 (Consumer No. 000097997268).
 - b) 20 HP load under industrial tariff category at Yadav Nagar, near Transformer Centre, Thane, Navi Mumbai which was released on 26.01.2022 (Consumer No. 000093953088).
- (iii) It was alleged by the Respondent that the Appellants have shown the address as **Hutment Survey No GZM/XVIII/0497** on the A1 Form of 20 HP load. However, the Appellants never wrote the said Hutment Survey number on the A1 Form. This hutment number might have been added by some unknown culprit which may have happened when the document was in the Respondent's custody.
- (iv) These galas are in a slum near Sulabh Sauchalaya, bakery and near MSEDCL Transformer centre of MIDC area. These two connections are on the same address at


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Gat No. 18(1) which originally belongs to MIDC. This fact is known to the Respondent also. The Appellants had paid all the bills from the date of connection.

- (v) Shri. Narendra Kashinath Gavate, (a highly influential local person with political background) had filed a complaint on 20.05.2022 against the said electrical connections, alleging that both the connections are on his private property, and demanded disconnection. Shri Sanjay Dhurve, Senior Technician, MSEDCL, Airoli Section of the Respondent had previously carried out the site survey of these connections and had confirmed the address of the premises. However, on 12.09.2022, he changed his statement under the influence of Shri. Narendra Kashinath Gavate. There is dispute between the Appellants and Ex-Corporator, Mr. Ramashish Yadav (a follower of Narendra Gavate family). He and Sanjay Dhurve misguided the Respondent's office, and the Respondent sent a disconnection notice to the Appellants on 22.09.2022. The Appellants has submitted a reply to this disconnection notice along with the required documents. The Respondent MSEDCL was satisfied initially, however the supply of the Appellants was disconnected illegally on 10.02.2023 without notice.
- (vi) The Appellants filed a complaint for interim relief with the Forum on 03.03.2023 with a prayer to reconnect the supply immediately. The Forum by its Interim Order dated 15.03.2023 directed the Respondent to reconnect the supply, and the supply was restored on 15.03.2023.
- (vii) The Forum, by its final order dated 26.05.2023 dismissed the grievance of the Appellants, and also revoked its interim order passed on 15.03.2023. The Forum did not understand the basic issue that the connections were on Gat No. 18/1 and not on Gat No. 18/2 and 18/3. The Forum wrongly held that
- The Appellants are not in possession of the Galas in which the electricity connections had been installed.
 - The Appellants had applied for 20 HP electrical connection at house no. GZM/XBIII/0497 at Yadav Nagar, Near Transformer, Airoli by submitting false documents. The Appellants have shown the wrong location as above, rather than the actual location, where the new electricity connections are required to be


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released as per the A-1 Form. The actual site belongs to Narendra Kashinath Gavate and his family members. It is located in Gat No. 18/2 and 18/3.

- c) Navi Mumbai Municipal Corporation (NMMC) had granted/ sanctioned water connection in the name of the Appellants.

The findings recorded by the Forum are illegal and perverse and not in accordance with the provisions of law. The Forum has wrongly relied upon the Possession Letter (Taba Pavti) in respect of Gat No. 18/2 and 18/3. The premises i.e. gala is located in Gat No. 18/1, hence the Possession Letter (Taba Pavti) filed by the Complainant, Narendra Kashinath Gavate is irrelevant, unwarranted, and carries no weightage of evidence. The Appellants are the lawful owner and in legal possession of the galas, and the report submitted by the MIDC establishes the fact that the Galas are not located at Gat No. 18/2 and 18/3 which belongs to Narendra Kashinath Gavate and his family members.

- (viii) Afterwards, the Respondent disconnected the supply of the Appellants illegally on 05.06.2023.
- (ix) As per Narendra Kashinath Gavate, this is a government land given to him on the order of the Hon'ble Bombay High Court. Its 7/12 extract / taba (possession) receipt, etc. is on record. The connections are not on this property but on Gat No. 18/1 of MIDC property.
- (x) The Appellants produced "Law Finders quote" in support of his contention. It is not necessary for this court to go into the details of how the ownership of the premises was devolved. Electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be disconnected even when the occupation of the premises is in question.
- (xi) In view of the above, the Appellants pray that the Respondent be directed:-
- (a) to reconnect the supply of both the connections.
- (b) to compensate Rs. 5,00,000/- towards monetary loss, mental torture, harassment.

3. The Respondent filed its reply dated 16.06.2023. Its submissions and arguments are as below:



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- (i) The Appellants, Brijesh Kumar Mishra & Abdul Rahim Miya have 2 electric connections. The details of the two connections are tabulated below:-

Appellant	Consumer No.	Address	Sanctioned load	Date of Supply	Purpose	Remarks
Brijeshkumar Digambar Mishra & Abdul Rahim Miya	000093953088	GZMXBIII0497, Yadav Nagar, near Transformer, Thane, Navi Mumbai	20 HP	26.01.2022	Industrial	Food Processing Unit
Brijeshkumar Digambar Mishra & Abdul Rahim Miya	000097997268	Near Swami Dharmanand Ashram, MIDC Road, Yadav Nagar, Navi Mumbai, Pin 400 708	7.5 KW	19.10.2020	Commercial	Shop


- (ii) The Appellants had applied for the said electric connections at House No. /Survey No. GZM/XVIII/0497. This number was allotted as per the slum survey carried out in the year 2001 as per directions of Government of Maharashtra, and hence the electric connections were generally released on the basis of this survey. During the hearing, the A-1 form or the original application in the possession of the Respondent was verified. This was a copy which showed the address as house no. GZM/XVIII/0497. (However, the Appellants denied writing this house number, and showed his ignorance as to how this number appeared on the application form.)
- (iii) Accordingly, the electric connections were sanctioned and released in the names of Brijesh Kumar Mishra and Abdul Rahim Miya on the basis of the purchase agreement dated 24.02.2020 between Mahendrapratap Singh and the Appellants, where the address was mentioned as Survey Hutment No. GZM/XVIII/0497. The connections were released on the basis of the document of Survey Hutment No. GZM/XVIII/0497 submitted by the Appellants. Had this address or house number not been mentioned on the application form or attached documents, the electric connection would not have been sanctioned, since the address where the connection was required would be incomplete and not clear.
- (iv) Shri Narendra Kashinath Gavate filed a complaint on 20.05.2022 with MSEDCL that the said connections were released in their private property. He alleged that a serious fraud was committed by the Appellants by producing fraudulent documents, and


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requested to disconnect the supply of both the connections. The said application was sent to the higher authority for further action in the matter.

- (v) The Assistant Engineer by his letter dated 12.09.2022 directed Sanjay Dhurve, Senior Technician to carry out a fresh survey and submit a report. Sanjay Dhurve gave his report on 22.09.2022. According to this report, **the Appellants have given papers of one site and taken electricity connection on another site, and thus indulged in fraud with the Respondent, MSEDCL.**
- (vi) Accordingly, the Asst. Engineer issued a disconnection notice to the Appellants on 22.09.2022. The Appellants replied by letter dated 03.10.2022 declining the fraud. Nothing was given as new documentation.
- (vii) The supply of the Appellants was disconnected on 16.12.2022 by giving proper notice. On 17.12.2022, an explanation of the matter was given by the Appellants through his counsel. As per their request, the power supply was reconnected immediately for giving time to submit further papers.
- (viii) The Executive Engineer Vashi and Deputy Commissioner, Navi Mumbai Municipal Corporation conducted a joint site inspection of the said place on 07.02.2023. **Their report states that the connections released were not on the said hutment No. GZM/XVIII/0497, but on a different site, which is not acceptable as per law.**
- (ix) Assistant Commissioner (Airoli), NMMC, by his letter dated 02.08.2022 has reported to the Dy. Commissioner, NMMC that the hutment No. GZMXVIII0497 was misused by Brijeshkumar Mishra and Abdul Rahim Miya for taking water supply connection. The water department has also rejected their request on the same ground.
- (x) After receiving the said report, a notice was given by the Subdivisional Office for disconnection of the said electricity supply. Then electricity connection of Shri Brijesh Kumar Mishra and Abdul Rahim Miya was disconnected on 03.03.2023.
- (xi) As per the Forum's Interim Order dated 15.03.2023, the said electrical connections were reconnected on the same day. However, the Forum by its final order dated 26.05.2023 dismissed the grievance of the Appellants and also revoked its interim order passed on 15.03.2023.


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- (xii) The Appellants have taken the connections by producing fraudulent documents; specifically he has shown a false address. Therefore, the representation of the Appellants be rejected.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellants (Brijesh Kumar Mishra & Abdul Rahim Miya) have 2 electric connections. The details of name, consumer numbers, addresses on bill etc. are tabulated in Para 3(i).

5. The Appellants contend that they had purchased these 2 Galas/shops from Mr. Mahendra Pratap Singh on 24.02.2020 at Yadavnagar, MIDC. Road, Navi Mumbai. The premises are used for a shop and a food processing unit i.e., Farsan factory. The premises are located on Gat No. 18/1. It was seen from the original A-1 form that the Appellants showed the address of the premises as Hutment Survey No GZM/XVIII/0497 on A-1 form for 20 HP load. The Appellants claim that they never wrote the address “Hutment Survey No GZM/XVIII/0497” on the A1 Form, and claims that this number might have been added by some unknown culprit when the document was in the Respondent’s custody. This claim seems hard to believe. It is undeniable that the Appellants had to give a specific address in order to get a connection. Without mentioning a Hutment number they would not have got the connection. Apparently they used the hutment number “GZM/XVIII/0497” to show an address. But physically on site, the hutment was a different one. This seems to have happened because the slum area consisting of various hutments is randomly planned, or rather not planned at all, making it difficult if not impossible to easily number the huts sequentially, or to identify the hutments easily by their allotted numbers. Because of this randomness, and difficulty in identifying which address belongs to which hutment, even the Senior Technician of MSEDCL could not match the hutment survey number with the correct hut. Resultantly, the connection seems to have been released to the Appellants’ intended hutment even though it used a wrong address. It was only when a third party, Shri Gavate, raised an objection that this


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error came to light. Apparently, the Appellants managed to get the connection at a location or hutment which actually belongs to a third party, i.e., one Narendra Kashinath Gavate.

6. The Respondent has contended that, the Appellants had applied for a new Industrial connection in the prescribed A1 Form for 20 HP at House Number No. GZM/MXV/III/ 0497, at Yadav Nagar, Airoli, Navi Mumbai. However, the above electricity connections were taken by the Appellants by submitting false documents of address. Shri Narendra Kashinath Gavate filed a complaint on 20.05.2022 with MSEDCL that the said connections were actually released in their private property Gat No. 18/2. The Appellants indulged in a serious fraud showing House Number No. GZM/MXVIII/0497 on the A-1 Form but bringing the MSEDCL Senior Technician to a wrong location and another address where they wanted a connection fraudulently. This location or hutment actually belongs to Shri Gavate, as claimed by him.

7. Later, the Executive Engineer Vashi and Deputy Commissioner Navi Mumbai Municipal Corporation conducted a joint site inspection on 07.02.2023 and confirmed the wrong location of the connection; and that Survey receipt of Zopadi No. GZM/XVIII/0497 was unauthorizedly and fraudulently used to get the connection. Hence, the electricity connections which were released based on fraudulent documents were disconnected by giving a notice on 03.03.2023.


8. We have studied the matter in depth. In our opinion, many discrepancies are found in the basic documents submitted by the Appellants. He has not come with clean hands. Even if we accept the Appellants' contention that he never wrote the address of his applied hutment number as "GZM/XVIII/0497", this only weakens his case to obtain a connection. How could he expect to obtain a connection when no specific address is mentioned? And if the above hutment number indeed belongs to some other unknown party, then there is no question of getting a connection legally in the Appellants' premises, whether legally or illegally occupied. Hence we hold that the Appellants are not eligible for further relief. The Forum has given a reasoned order. The Forum's order is upheld. The Representation, therefore, stands rejected.


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9. The Representation is disposed of accordingly.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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