

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 44 OF 2022

In the matter of new electric connection

John Salu Fargoes Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Respondent No.1
Virar (MSEDCL)

Suman Anant Naik..... Respondent No.2

Appearances:

Appellant : Not Present

Respondent No.1 : 1. Prashant Dani, Executive Engineer, Virar
2. Surendra Mungare, Addl. Ex. Engineer, Nalasopara(West)
3. Smt. D.C. Rathod, Dy. Ex. Engineer
4. Gajanan Lonkar, Asst. Engr, Nalsopara

Respondent No.2 : Vinay Vaze, Representative of Smt. Suman Anant Naik

Coram: Vandana Krishna (Retd. IAS)

Date of hearing : 16th June 2022

Date of Order : 23rd June 2022

ORDER

This Representation is filed on 5th April 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



& Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 18th February 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Vasai (the Forum).

2. The Forum, by its Order dated 16.02.2022 has disposed of the grievance. The relevant portion is quoted below:

“1. The Grievance is hereby disposed off in view of observation recorded in para No.8. (d) with direction to Respondent to release the connection at the said premises as per application of owner after completing all formalities as per rules and regulations.”

3. Aggrieved by the order of the Forum, the Appellant filed this representation stating in brief as below: -

- (i) The Appellant, John Fargoes has a Shop on Pagadi System at Patil Aali, Umrale, Nallasopara (West). The building is owned presently by the Respondent No.2.
- (ii) The Appellant is in possession of this premises for the last 20 years. The Appellant was running a motor Garage namely ‘A. J. Motors’ at this premises. The Appellant was using power supply for the premises previously through Consumer No.001971461795 which was in the name of A. B. Naik (Landlord) who is the husband of the Respondent No. 2. The Respondent No. 2 started playing foul against the Appellant to force him to vacate this premises.
- (iii) The Respondent has disconnected the electric supply as per request of Landlord in the year 2016/2017. The Appellant is without supply since then; however, he was conducting his business in the said premises.
- (iv) The Appellant had submitted an application to the Respondent on 21.12.2020 for a new electric connection in his name, with statutory documents under commercial tariff category. The Respondent rejected


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this application by its letter dated 28.12.2020 under the influence of Respondent No.2, and not on merit.

- (v) The Appellant filed a grievance application in the Forum on 01.10.2021. The Forum by its order dated 16.02.2022 has rejected the Application. The Forum failed to understand the basic issue. The Appellant has approached the Electricity Ombudsman on 05.04.2022 for getting a new connection.
- (vi) In view of the above, the Appellant prays that the Respondent be directed to issue a new connection to the Appellant at his premises, being occupier of the said property.

4. The Respondent No.1 has filed its reply dated 22.04.2022 stating in brief as below:-

- (i) The Appellant has applied to the Respondent for a new electric connection on 21.12.2020 for commercial use. There are no proper documents along with the new connection application. Hence, the application for a new connection was rejected by letter dated 28.12.2020.
- (ii) Aggrieved by the decision of the Respondent No. 1, the Appellant filed the grievance application before the Forum on 01.10.2021.
- (iii) The Respondent No.2 has taken an objection for releasing new connection in the name of the Appellant. She has also submitted an objection letter dated 07.02.2022 to the Forum requesting not to give supply in the name of the Appellant. Further, the Respondent No. 2, herself applied for a new connection in the same premises on 14.02.2022 with proper documents. Hence the new connection was released in the name of the owner i.e. Respondent No.2.
- (iv) The Forum by its order dated 16.02.2022 has disposed of the application without any specific directions.


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- (v) In view of the above, the Respondent No.2 prays that the Representation of the Appellant be rejected.

5. Respondent No.2 has filed its reply dated 14.06.2022 stating in brief as below:-

- (i) The Respondent No. 2 is the sole owner of the building, and no part of the building was given on pagadi system. The Respondent No.2 had an electric connection at the said premises till 2015, which was permanently disconnected as the said premises was not in use.
- (ii) The Respondent No.2 came to know that the Appellant has applied for a new connection for the said premises. The Respondent No.2 has no relation with the Appellant either as Tenant or Pagadi. Hence, she has taken a strong objection, and requested by her letter dated 14.12.2020, not to release any new connection without her consent.
- (iii) The Respondent No.2 stated that the said property is owned and occupied by herself and she is the bonafide owner.
- (iv) Most importantly, at the moment, there is absolutely no structure or building at the said location as it has been demolished. Thus, the Appellant's application for a new connection is baseless and senseless.
- (v) The Respondent No.2 prays that no electric connection be assigned to the Appellant or any other person in the said property without the consent of the Respondent No.2

6. E-hearing was scheduled on 16.06.2022 at 13.30 hours vide e-notice dated 08.06.2022 after confirmation, telephonically, from the parties. It was confirmed telephonically on 15.06.2022. The e-hearing was held on 16.06.2022 through video Conference. The Appellant did not attend the hearing through Video Conference, nor informed anything at the time. The Respondent No.1 and Respondent No.2 argued at length as per their written submissions.


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Analysis and Ruling

7. Heard the parties and perused the documents on record. The Appellant applied for new power supply on 21.12.2020 in the said premises which was allegedly used for a motor Garage namely “A.J. Motors” Patil Aali, Umrle Nallasopara (West) under Commercial tariff Category. The Respondent contended that he did not submit the required documents showing ownership, therefore his application for new power supply was rejected by them.

8. The premises has a connection (Consumer No. 001971461795) in the name of Shri. A. B. Naik (Landlord).The above connection was permanently disconnected as per the request of A. B. Naik in around the year 2015.The Respondent No.2 vide her letter dated 14.12.2020 informed the Respondent No.1 not to release a new connection to anyone on the said premises. She also submitted an objection letter before this Forum vide letter dated 7.02.2022.

9. The Respondent No. 2 herself applied for a new connection on 04.02.2022, being the owner of the premises, and the same was released by the Respondent No.1. The Respondent No.2 stated that the said property is owned and occupied by herself being bonafide owner. There is no structure or building at the said location at present, as the Corporation has demolished this property on the ground of safety in April/May 2020. This means that the Appellant has applied for a new connection on an open plot.

10. In view of the above, nothing survives in this case. The representation of the Appellant is rejected, and is disposed of accordingly.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

