

## **BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

### **REPRESENTATION NO. 218 OF 2019**

In the matter of new electric connection

Avinash Shewale..... Appellant

V/s.

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

Pushpa Dashrath Shewale..... Respondent No. 2  
(alias Chandrakala Nimba Pawar)

#### **Appearances**

For Appellant : Avinash Shewale

For Respondent No.1 : 1. Jeevan Chavan, Ex. Engineer, Thane – I  
2. Anand Rathod, Addl. Ex. Engineer, Thane - I

For Respondent No.2 : 1. Pushpa Dashrath Shewale  
2. Mayuresh D. Shewale

#### **Coram: Deepak Lad**

Date of Order: - 28<sup>th</sup> January,2020

#### **ORDER**

This Representation is filed on 11<sup>th</sup> December 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 15<sup>th</sup> October 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Bhandup Zone (the Forum).

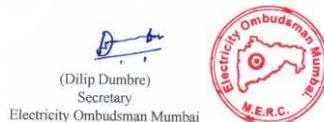
  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



2. The Forum, by its order dated 15.10.2019 has dismissed the Grievance Application No.36/2019.

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

- (i) The Appellant is residing at 604, Sanskar CHS, Dharamveer Marg, Near Gurukul Bus Stop, Panchpakhadi, Thane (W) and is having single phase connection (No.000028014180) in the name of his real mother, late Smt. Pushpa Dashrath Shewale who expired on 11.01.1982. Subsequently, his father, Dashrath Nathu Shewale expired on 29.03.2018.
- (ii) After the death of his mother, one woman named Chandrakala Nimba Pawar was appointed to take care of the Appellant and his siblings who were teen then.
- (iii) Despite the death of his real mother, this woman applied in his mother's name for permanent disconnection of supply and surrender of meter on 09.05.2019. The officials of the Respondent No.1 acting in collusion with the so-called mother who is Respondent No.2 and contractor, without scrutinising the documents disconnected the power supply on 21.05.2019 without any notice.
- (iv) This disconnection caused undue harassment to the Appellant and made grave impact on the mind of the Appellant's son who was of 24 years age. He committed suicide on 27.10.2019. The Respondents are solely responsible for the death of his son.
- (v) In order to restore connection, the Appellant frequently visited the Respondent No.1 but the complaint was not resolved by the Respondent. Therefore, the Appellant is still in dark as the power supply is not available.
- (vi) The Appellant submitted that his real mother who expired on 11.01.1982 cannot sign a document on 09.05.2019. Therefore, the Respondent No.2 has impersonated the Appellant's mother and committed serious crime. The Respondent No. 1 is also responsible for conspiring with Respondent No.2. The contractor who also conspired is the son-in-law of Smt. Chandrakala Nimba Pawar, the impersonator. Therefore, the Appellant has filed complaint with Naupada Police Station Thane.
- (vii) The Appellant has filed Special Civil Suit No. 352 /2019 dated 17.05.2019 about the ownership of the disputed premises. Therefore, the Respondent No. 1 has acted

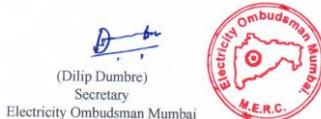


in undue haste and beyond its authority without verifying the documents and procedure. The Respondent should have given at least 15 days' notice before disconnection as per the provisions of the Act.

- (viii) The Appellant approached the Internal Grievance Redressal Cell (IGRC) on 25.06.2019 as the Respondent failed to act on the complaint filed by it on 23.05.2019. In the complaint with the IGRC, the Appellant submitted all relevant details, however, it rejected the complaint.
- (ix) Then on 31.07.2019, the Appellant filed the case with the Forum which also dismissed the case hence the representation is filed for directions to the Respondent No.1 to reconnect the supply. The Hon. Electricity Ombudsman may also order action against the concerned officials for dereliction of duty and do justice.

4. Respondent No.1 filed its reply by letter dated 30.12.2019 stating in brief as below: -

- (i) The Appellant is not a consumer, however, Smt. Pushpa Shewale, the Respondent No.2 at 604/6, Sanskari CHS, Near Gurukul Bus Stop, Panchpakhdi, Thane was a live residential Consumer No. 000028014180/1 since 10.03.2007 to 21.05.2019.
- (ii) The Respondent No.2 submitted application dated 09.05.2019 for permanent disconnection of electric supply.
- (iii) Accordingly, Section Engineer visited the premises of this consumer and verified ownership documents and it is found that Smt. Pushpa Shewale is owner of this flat and hence, as per request given in application, the said consumer was permanently disconnected on 21.05.2019.
- (iv) Similarly, the Appellant submitted the grievance at IGRC, Thane Urban Circle on 27.06.2019 and the IGRC rejected the grievance application on 30.07.2019.
- (v) Thereafter, the Appellant approached the Forum on 22.07.2019 whereby his application was dismissed and hence, filed this representation before the Electricity Ombudsman (Mumbai).
- (vi) Meanwhile, the Appellant has broken the lock of the said flat in absence of Smt. Pushpa Shewale and uses the power supply in the same flat from another premises of Smt. Pushpa Jadhav. The action under Section 126 of the Electricity Act, 2003 (the Act) was taken and Mrs. Pushpa Jadhav paid the bill of Rs.12670/- under this Section vide Receipt No. B118290006349 dated 30.07.2019.



- (vii) In view of the above facts, the Respondent No.1 has acted in accordance with rules and regulations. The representation therefore is liable to be rejected.
5. Respondent No. 2, Pushpa Dashrath Shewale filed her reply by letter dated 17.01.2020 stating in brief as below: -
- (i) The Respondent No.2 has filed her reply in the name of Smt. Chankrakala Nimba Pawar alias Pushpa Dashrath Shewale. She had applied by letter dated 03.01.2020 for extension of time for further 30 days for her written statement since she had to leave urgently for her native place at Takli, Malegaon as her real brother-in-law named Waman Nathu Shewale was serious and who expired on 29.12.2019. Finally, she submitted her reply on 17.01.2020.
  - (ii) The Appellant is not a consumer of the Respondent No.1, therefore, he does not have any right to file the grievance.
  - (iii) The Appellant is her stepson. She married Dashrath Nathu Shewale (who expired subsequently) on 27.04.1982. Her maiden name was Chandrakala Nimba Pawar. First wife of Dashrath Nathu Shewale expired on 11.01.1982. Her husband has two sons and one daughter from his first marriage. The Appellant is one of them. She has one son and one daughter from Dashrath Nathu Shewale.
  - (iv) After her marriage, all her stepchildren used to live with them. The Appellant even stayed with her after his marriage but as the Appellant's behavior was not proper, her husband drove him out of the house. However, as an empathy, I allowed the Appellant to stay in Flat No. 403, Dashmesh Coop. Housing Society from 2001. The Appellant's address in the present representation, which is 604, Sanskar Coop. Housing Society was purchased by her in 2006. It is still in her name.
  - (v) The Appellant break open this flat 604 and she has lodged complaint on 07.05.2019 vide No. 23/07.05.2019. Therefore, she has applied for permanent disconnection of electric supply of this Flat No. 604 to the Respondent. He is a trespasser in this flat.
  - (vi) Therefore, the representation of the Appellant may please be rejected.

6. During the hearing on 21.01.2020, all the parties argued in line with their written submissions. The Appellant's main argument is that Smt. Chandrakala Nimba Pawar is not known to him and she is using his mother's name 'Pushpa' in a fraudulent manner as his mother Pushpa died long back. The Appellant further argued that action of the Respondent No.1 in disconnecting the supply on the application of Chandrakala Nimba Pawar, without due notice is illegal and arbitrary. Therefore, the Respondent No.1 be directed to restore the supply immediately. Respondent No.2 submitted her own plea as contended in her reply and further argued that the Appellant is trespasser at the said premises and therefore, she applied for permanent disconnection of the said premises. Respondent No.1 has rightly disconnected the supply. Respondent No.1 argued that the action on its part is according to rules and regulations. Moreover, the Appellant is not at all a consumer of Respondent No.1 and therefore has no locus standi in this case.

### **Analysis and Ruling**

7. Heard all the parties and after perusing the documents on record, I noticed that the Appellant is neither owner of the said premises nor the electric connection is in his name. From the submission of the Respondent No.2, it appears that the Appellant is her stepson and there could be family dispute with respect to property within the Appellant and Respondent No.2 which has no relevance whatever in the present case. It is necessary to point out that the Respondent No.1 could have dealt the case more diligently as there might be many contours from the legal point of view. The Forum has rightly dismissed the case of the Appellant.

8. I, therefore, do not find any reason to interfere with the order of the Forum.

Sd/-

(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dambre)  
Secretary  
Electricity Ombudsman Mumbai

