

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE-RURAL, M. S. E.D.C.L.NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **5** of 2006

Applicant : M/S. Mohan Trading Company(Ginning & Oil Mill), Ward No.2, Deoli . Dist.Wardha.
through M.M.Agrawal.

-- VS --

Non-applicant. : 1.Executive Engineer(Admn)/Nodal Officer
Internal Grievance Redressed Unit, Circle Office,
M.S.E.D.C.L., Wardha.
2.Exe.Engineer, CC O&M Dn. MSEDCL,Wardha..

Presence : 1.Shri N.J.Ramteke,Chairman
2.Shri M.G.Deodhar,Member

Appearance. : 1. Shri Naresh M. Agrawal- Applicant .
2. Shri Mohan Agrawal
3. Shri D.K.Choudhary, Exe.Engr./N.O.
3. Shri D.G.Gawnar,E.E.,Wardha.(Non-applicants.)

ORDER

(Passed this 12th day of July,2005)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant – M/S. Mohan Trading company through Shri M.M.Agrawal presented an application in form ‘A’ to this Forum for redressal of his grievance. Applicant wants the electricity connection for its Ginning Factory and Oil Mil at deoli from the M.I.D.C. Feeder, Deoli. Applicant made an application to the Unit at Wardha in Form “X” on 4.4.05. Since he did not receive any reply within two months from the non-applicants, he approached this Forum for redressal of his grievance. The consumer can approach the Forum under two circumstances, namely, if the consumer is not satisfied by the reply of the Unit or remedy is not provided within two months.

The proceedings before this Forum are guided by the principle of natural justice. The Forum issued the acknowledgement to the applicant on receipt of his application. The copy of the application alongwith the enclosed documents were given to the non-applicants for their comments as required under Regulation 6.7 of MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations). The non-applicants submitted their parawise comments on 28.6.05 to this Forum. The copy of the comments of the non-applicants is given to the Applicant. Notices were issued to both the parties(Applicant and non-applicants) as required under Regulation 6.9 of the Regulations for hearing. The non-applicants also submitted Xerox copies of the documents. The Forum heard both the parties on 11.7.05. Thus a fair and reasonable opportunity of hearing is given to both the parties.

The main contention of Applicant is that he owns a Ginning Factory & Oil Mill at Deoli. He gets electricity supply from Deoli feeder. However due to load-shedding he has to suffer the financial loss and inconvenience to the labourers. He has to

close the whole process of Ginning Factory and Oil Mill due to load-shedding. He is the electricity consumer since 1960. There is also one more Unit known as Goyal Industries (Oil Mill) in the same premises. He gets electricity supply from one transformer of Deoli Town feeder. He has to suffer due to load shedding of 4 hours as electricity supply is given from the town feeder. He made various applications to the non-applicants since 19.5.03 for giving electric supply from M.I.D.C. feeder for 24 hours. But he did not receive any reply from the non-applicants and, therefore, he approached the Internal Grievance Redressed Unit for redressal of his grievance in form "X:".

Applicant further contended that the M.S.D.C.Ltd. gave electricity supply to other units though they do not fall within the limit of M.I.D.C. Applicant gave examples and names of these Units as mentioned at Page No.2 of his submissions dated 11.7.05 (Record page 19) One unit known as Jai Bajrang Agro Processing, Deoli Dist.Wardha (Ginning and Pressing Factory) is near to the Units of the Applicant. The other Units are in Nagpur Dist., Chandrapur Dist. and at Hinganghat. Applicant also contended that the M.S.D.C.Ltd. also gave M.I.D.C. feeder supply to Shrikrishna Ginning and Pressing Factory on O.R.C. principle. Jai Bajrang Agro Processing unit is 2 kms. away from M.I.D.C. area. However, M.S.D.C.Ltd. gave them supply from M.I.D.C. feeder. Applicant does not agree with the contention of the non-applicants as mentioned in para 5 of their parawise comments (Record Page 13). In view of this position , the sole demand of Applicant is that he should be given electricity supply from M.I.D.C. feeder under O.R.C.

Shri Gawnar, Executive Engineer and Shri D.K.Choudhary, Nodal Officer, were present at the time of hearing. The main contention of the non-applicants is that M/s. Mohan Trading Compnay, Deoli gets the supply from the Deoli feeder. The Units of the non-applicants are 7 and the list of these Units has been given in their parawise comments (Record Page 12). The non-applicants also gave the reasons why demand of the applicant cannot be accepted. The Units of the applicant fall within Municipal Council area of Deoli. These Units are 0.56 kms. away from M.I.D.C. The non-applicants gave their reply to the Applicant on 9,6.05. The electric supply is given from 11KV Deoli Town feeder before the establishment of M.I.D.C. The non-applicants are implementing load-shedding as per the schedule of Urban area. M/S. Shrikrishna Ginning & Pressing is situated at M.I.D.C. having H.T. power supply from M.I.D.C. feeder. M/S. Jai Bajrang Agro Processing is situated outside the M.I.D.C. are but nearer to 11KV M.I.D.C. Feeder. Hence the H.T. Power connection has been recently released to them. The non-applicants further contended that there is chance for demanding the power supply by adjoining consumers from 11KV M.I.D.C.feeder, if the power supply extended to Applicant. This may create disparity in load shedding which may cause complaints/ agitation from nearby consumers.

It is a matter of fact that there are 4 Industrial Units and 3 domestic Units in the premises of Applicant. Thus the demand is not only for Ginning Factory and Oil Mill but also for other Units, including the domestic consumption of electricity. It is also a matter of fact that the Applicant was in correspondence with the non-applicants for electricity supply from the M.I.D.C. feeder. Unfortunately, the non-applicant did not care to give any reply to the Applicant. The applicant made application on 14.3.05 and 4.4.05 in addition to this previous letters for giving electricity supply from M.I.D.C. feeder. The Forum does not agree with Applicant that no reply was given by the non-applicants. The non-applicants gave a reply on 9.6.05 to the applicant with reference to his letter dated 18.11.04 and 16.3.05 . However , any decision or reply on his application in form 'X' is not forthcoming on record. It is not understood why the non-applicants failed to take

cognizance of the application in form "X" . The non-applicants informed the applicant in their letter date 9.6.05 that his application for supply from M.I.D.C. feeder to his Factory is not considered as the Factory is not situated in M.I.D.C. area(Record page 14). It appears from the letters dated 5.4.05 and 16.3.05 (Record Page 15 & 16) that the non-applicants submitted the estimate to the Superintending Engineer , O&M Circle, M.S.E.D.C.L., Wardha for supply of electricity from M.I.D.C. feeder. This shows that the Executive Engineer , O&M Dn. MSEDCL, Wardha was ready to give supply from M.I.D.C. Feeder. However, on receipt of the estimate, the Superintending Engineer, O&M Circle , MSEDCL, Wardha under his letter dated 16.4.05 rejected the estimate as the Factory did not situate in M.I.D.C. area. It means, the superintending Engineer rejected the demand of the applicant in view of the previous correspondence of the Applicant with the non-applicants.

Shri Gawnar, Executive Engineer, O&M Dn, M.S.E.D.C.L., Wardha has drawn the attention of the Forum to the circular dated 24.6.05 (Record page 30 & 31) at the time of hearing. He also submitted the copy of this circular. The circular is issued by the M.S.D.C.Ltd., Mumbai as per the M.E.R.C. directives to be implemented from 1.7.05 . This circular gives the directives and information about the sheddable-load and non-sheddable-load. In respect of sheddable load it has been mentioned that the loads in major cities, other urban areas and rural areas (excluding Industrial , M.I.D.C's and Water works etc) have been considered as sheddable load. In respect of non-sheddable load, it has been laid down that the loads catered by the consumers on E.H.V. feeders, express feeders for M.I.D.C. express feeders for Municipal Water Works and Utility are considered as non-sheddable loads. this circular is very clear and specific. The Industrial Units which are not within the M.I.D.C. area cannot be included in non-sheddable load. The non-applicants have rightly contended that they cannot make any exemption or special concession to Applicant as their Units do not fall within the M.I.D.C. area. The Forum is not expected to interfere in the policy and uniform decision of the M.S.D.C.Ltd. Moreover, this circular is based on the directives of the M.E.R.C. The load shedding is throughout Maharashtra and M.S.D.C.Ltd. declared its programme for information of the public in respect of load shedding. The non-applicants have rightly stated that Applicant cannot get the electricity supply from M.I.D.C. feeder.

As per Regulation 8.2 of the Regulations, the Forum can give the directions to the M.S.D.C.Ltd. to remove the cause of grievance in question. The mute question arises, whether the load-shedding can be a cause of grievance? As per Regulation 2(3) of the Regulations, "Grievance" means any fault, imperfection, shortcoming or any inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a D.L. in pursuance of a licence ". The Forum does not find any fault or shortcoming or inadequacy on the part of the D.L. as load-shedding is a uniform policy implemented throughout the State of Maharashtra, barring certain exceptions. Thus Applicant cannot agitate before this Forum as it is not covered by the definition of the "Grievance". In the opinion of the Forum the matter of load-shedding cannot be a cause of grievance as it is a policy decision, it is uniform throughout Maharashtra and sufficient reasons have been given by the M.S.D.C.Ltd., for the load shedding. The non-applicants have also rightly pointed out , if the electricity supply is given to Applicant, the other electricity consumers may also demand the connection from M.I.D.C. feeder.

The other electricity consumers have been given the electric supply from M.I.D.C. feeder as mentioned at Page 19 of the record, is not a matter of consideration for Forum because the Forum does not know the circumstances under which these

connections have been given by M.S.D.C.Ltd. Moreover except Jai Bajrang Agro Processing Unit, Deoli, other industrial units are in other districts . The Mohta Mill of Hinganghat is also not in the vicinity of the premises of Applicant. The non-applicants have given the convincing reasons in their comments about the supply of electricity from M.I.D.C. feeder to Jai Bajrang Agro Processing as it is near to 11KV M.I.D.C. feeder.

In view of above circumstances and position , the Forum does not find any ground and reason to allow the present application. It needs to be rejected . Thus the following order :

ORDER

- 1) Application is rejected.
- 2) Parties to bear their own cost.

CHAIRMAN

MEMBER

MEMBER/SECY.

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L.(NAGPUR ZONE – RURAL)NAGPUR**