

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/241/2014

Applicant : Late Shri Deepchand W. Sindhi,
User:- Shri Rajkumar D. Sachdev,
Plot No. 253, Jaripatka,
Nagpur : 14.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL, N.U.C.,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 15.11.2014.

1. The applicant filed present grievance application before this Forum on 20.9.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that he is receiving excessive bills. Therefore bills be revised. I.G.R.C. directed to replace the meter of

the applicant immediately, to test the meter in meter testing laboratory in presence of the applicant and to take further action on disputed bills if so necessitated as per findings of lab testing report. Being aggrieved by the said order of I.G.R.C. applicant approached to this Forum. In the application before this Forum, applicant submitted that in spite of main switch is off, the meter is showing 8 to 10 units per day. Applicant has also complained regarding another Meter bearing Consumer No. 410010981330.

3. Non applicant denied applicant's case by filing reply Dt. 4.10.2014. It is submitted that meter was tested by acucheck on 18.8.2014 and it is found O.K. As per order of Learned I.G.R.C. meter was replaced, old meter was tested in the laboratory on 16.9.2014 and it is found O.K. Therefore bills can not be revised.

4. Forum heard arguments of both the sides and perused the record.

5. Record shows that for the first time meter was tested by acucheck and as per meter testing report it is found O.K. After passing the order dated 30.8.2014 by Learned I.G.R.C., SNDL has tested meter in meter testing laboratory on 16.9.2014 and meter is found O.K. Therefore it is clear that consumption recorded by the meter is the consumption utilised by the applicant and hence bills can not be revised.

6. It is note worthy that before Learned I.G.R.C. it was simple grievance of the applicant that he has received excessive bills, bills be revised and meter be tested. This grievance is totally solved by Learned

I.G.R.C. After passing of the order dated 30.8.2014, consumer approached to this Forum and in grievance application before this Forum submitted totally different case, alleging that as per order of Hon'ble Court possession of the house is handed over to another person and main switch is off. Even then meter is running and showing 9/10 units daily. All these allegations were not submitted before Learned I.G.R.C. and therefore for the first time such new grievance can not be filed before this Forum unless and until applicant approached I.G.R.C. for this new allegation / grievance.

7. Applicant argued that as per order of the Forum, possession of the house is given to purchaser on 2nd July 2014, even then meter is showing consumption though Main Switch is off. However, in support of his contention, applicant did not produce any order of the Court about handing of delivery or possession to purchaser. In absence of documentary evidence on record we find no force in allegations of the applicant that possession of the house was given to the purchaser and Main Switch is off.

8. Forum made specific query to the applicant that if really as per order of Civil Court, possession of the house is given to the purchaser and house is not in his possession since 2.7.2014, in such circumstances he has nothing to do with the electricity bills of that house and purchaser will take suitable action if so desired. However, applicant argued that after some months or after some years, he has to repurchase the house from the said purchaser. In our opinion this entire argument is based on assumptions, presumptions and imaginations but it has absolutely no locus-standi. Today it is settled legal position and admitted legal position even after arguments of the applicant that the house is not in his

possession but it is in possession of the purchaser. Therefore applicant is not consumer within the meaning of the definition of the consumer laid down u/s 2 (15) of Electricity Act 2003. On this ground also, grievance application deserves to be dismissed. Hence following order : -

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN