

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

Case No. CGRF(NZ)/40/2017

Applicant : Shri Shalik S.Betal
At.Chinchghat, Po.Pardi, Tq.Hinganghat
Dist. Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Appellant's representative :- Shri Betal,

Respondent by 1) Shri Pawade,EE, O&M Division,MSEDCL, Hinganghat
2) Shri Awachat,Dy.E.E., Hinganghat S/Dn.

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

2) Shri N.V.Bansod
Member

3) Mrs. V.N.Parihar,
Member, Secretary

ORDER PASSED ON 07.04.2017.

1. The Applicant filed present grievance application before this Forum on 06.03.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that he applied for agricultural connection on 21.06.2014. Demand was issued on 19.12.2014. Amount of demand was paid on

20-03-2015. Till today test report is not submitted. Even then applicant mentioned in his application falsely and erroneously that supply is released on 30-12-2016.

3. Non-applicant denied the applicant's case by filling reply dated 23.03.2017. It is submitted that all the dates i.e. date of application, date of demand and date of payment given by the applicant are correct. Applicant did not submit the test report even then it is falsely written in the application that supply is released on 30-12-2016. As the test report is not submitted therefore supply is not released. It is necessary to install 0.30 km LT line therefore period for issuing demand in Rural area is 30 days. Claim for issuing late demand is barred by limitation. As test report is not submitted and necessary formalities are not completed, supply can not be release. Grievance application deserves to be dismiss.

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

5. Applicant submitted application for agricultural pump connection on 21-06-2014. As infrastructure is not ready, period for issuing demand is 30 days. Therefore it was necessary to issue demand on or before 21-07-2014 but demand is issued on 19-12-2014. Therefore there was delay in issuing demand for the period 21-07-2014 to 19-12-2014 but for claiming compensation it was necessary to file grievance application within two years from the date of cause of action dated 19-12-2014. But grievance application is filed on 06-03-2017 therefore claim for delay in issuing demand is barred by limitation. **As per Regulation 6.6 of the said Regulation "The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which cause of action has arisen"**. Date of demand is 19-12-2014 therefore cause of action on 19-12-2014 it was necessary to file grievance application on or before 19-12-2016 but grievance application is submitted on 06-03-2017.

Therefore claim for delay in demand is barred by limitation therefore can not be granted.

6. It is noteworthy that admittedly till today applicant did not submit the test report and not completed necessary formalities. Even then though supply is not release, applicant falsely mentioned in application that supply is released on 30-12-2016. During the course of argument both the parties frankly admitted before the forum that uptill now test report is not submitted and supply is not released. Even then applicant falsely mentioned in grievance application that supply is released on 30-12-2016. In our opinion these are bogus tactic to extract big amount of MSEDCL, to give harassment to officers of MSEDCL. It appears that applicant can go to any extent to submit bogus and false claim. It is desirous that applicant and likeminded people shall take serious note for future and not to file premature and bogus cases before submitting test report and completing necessary formalities and shall not mention falsely that supply is release as per imagination, though supply is not released otherwise Forum may recovers compensation from such fraudulent consumer for giving harassment to the officers of MSEDCL and for filing false claim to increase burden work unnecessarily. As the test report is not submitting and necessary formalities are not completed supply can not be released. Applicant is at liberty to file test report and to complete necessary formalities. After completion of necessary formalities, if supply is not release within stipulated time, then only applicant is at liberty to approach to IGRC, if Regulation and circumstances permit. In that case IGRC shall decide the matter independently un-influencing by reasoning and finding given by this forum in this order. Therefore at this moment without submission of test report by applicant, no direction can be given to MSEDCL to release the supply and

no compensation can be granted for alleged delay in releasing the supply. Regulations can not make applicable as per sweet choice and sweet dream of imagination on misleading facts. It is misuse of Regulation and abuse of process of Law.

7. With this important observations, Forum proceed to pass the following order.

ORDER

1. Claim for delay in issuing demand is barred by limitation according to Regulation 6.6 of the said Regulation therefore rejected.
2. Till today test report is not submitted by the applicant and necessary formalities are not completed, even then filed premature case for direction to release the supply and compensation for delay in releasing the case, all these things are premature. This claim is premature therefore not tenable at Law therefore dismissed at this stage.
3. Applicant and all other likeminded persons are directed not to file premature cases in future falsely before expiry of stipulated time, otherwise it may be treated as unnecessary harassment to officers of MSEDCL and MSEDCL and compensation may be recover from bogus applicants for giving harassment to MSEDCL in appropriate cases and Forum may pass suitable and justify orders with balanced mind in the interest of justice.
4. Applicant is directed to take serious note for future.
5. Case is dismissed.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN

