

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

Case No. CGRF(NZ)/41/2017

Applicant : Smt.Maya P. Gawande
3611/A/27, Ward 14, Gali No.I
Trisharon Chowk, Rameshwari Rd.,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(DF), NUC, ,MSEDCL,
Nagpur.

Applicant :- In person

Respondent by 1) Shri Vairagade, E.E.Nodal, NUC,MSEDCL, Nagpur
2) Shri Dahashastra, SNDL

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

2) Shri N.V.Bansod
Member

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

ORDER PASSED 07.04.2017.

1. The Applicant filed present grievance application before this Forum dated 07.03.2017 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 applicant submitted application for new electric

connection on 08-12-2016 but even then her application is illegal rejected by SNDL for want of ownership documents and NOC. In fact these documents were not necessary but it was the intention of officer of SNDL to give harassment to applicant. The application is rejected by SNDL.

3. Applicant approached to IGRC. As per order dated 18-01-2017 in case no.31/2017 IGRC hold that applicant is occupying the premises with separate entrance, then as per section 43 of the Electricity Act 2003 she can get separate electric connection and there is no needs of ownership documents or NOC. IGRC directed SNDL that New Service connection In-charge shall process the application for electric connection and submit compliance report before 25-01-2017.

4. Non-applicant SNDL did not obey order of IGRC and did not issue demand so also not release the supply and unnecessary gave harassment to the applicant physically, mentally and economically therefore applicant claimed direction to issue demand note, to release the supply and to pay compensation of Rs.10000/-.

5. Non applicant denied the applicant's case by filling reply dated 18.03.2017. It is submitted that application of the applicant was rejected for want of ownership documents and NOC as per letter dated 10-12-2016. After IGRC order demand note was issued on 02-03-2017. After payment of demand, supply shall be release.

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

7. It is noteworthy that applicant is occupying the premises with separate entrance then as per section 43 of the Electricity Act 2003, applicant can get separate electric connection there is no need of ownership documents or NOC. Electric connection can be given only on the basis of Indemnity Bond and undertaking mentioning that in case of any legal dispute, the connection will be removed. It is presumed that NSC In-charge of SNDL

and other concerned officers very well knows the Law. Therefore it is presumed that it was very well known to them that as per Law, ownership documents and NOC is not necessary. Even then on this flimsy ground application of applicant was rejected for the best reason known to NSC In-charge of SNDL. If NSC In-charge don't know Regulation and Law in that case he is not fit person to continue on the same post. If he knows Regulation and Law, even then he rejected the application, therefore it is very strange and suspicious. Object behind it is only to create hurdle and obstruction in the way of the applicant to get connection. It is nothing but unnecessary harassment of the applicant physically, mentally and economically.

8. It is noteworthy that rejection letter of application of the applicant by SNDL is produced on record by SNDL himself. We have carefully perused this rejection letter. It is noteworthy that on the top of the rejection letter date is mentioned that **10-12-2016**. However in the middle portion of this rejection letter it is submitted that application of the applicant is rejected on **10-01-2017**. If really application of the applicant was rejected for want of ownership documents and NOC on **17-01-2017** (as mentioned in rejection letter) how this rejection order dated 17-01-2017 was communicated to the applicant by rejection letter dated 10-12-2016 (before 27 days of the passing the order of rejection) form a big question mark. Therefore though rejection order dated 17-01-2017 was not in existence even then it was communicated before 27 days i.e. on 10 December-2016. It is nothing but illegal activities committed by NSC In-charge of SNDL, knowingly and willfully just to gave harassment to the applicant. Therefore it is bogus documents prepared by SNDL.

9. IGRC passed order dated 18-01-2017 in case no.31/2017 and directed NSC In-charge to process the applicant for release of electric connection and to submit compliance report before 25-01-2017. Therefore it was bounding duty of NSC In-charge

to issue demand note and to release the supply before 25-01-2017 but this order of IGRC is also not completed before 25-01-2017. Therefore it is nothing but unnecessary harassment. In reply of non-applicant dated 18-03-2017 it is submitted that demand note is issued on 02-03-2017. Whether demand note was issued on 02-03-2017 or not, we will discuss that aspect in later part of order. Even if for the sake of argument, for same time it is presume that demand note was issued on 02-03-2017, it is clear that though IGRC directed to submit compliance report before 25-01-2017 even then SNDL had intentionally harassed applicant till alleged date of demand dated 02-03-2017 for about one month and 7 days without any reason. No reason is given by SNDL as to why demand note was not issue prior to date of compliance given in IGRC order dated 25-01-2017. Therefore it is clear that NSC In-charge is negligent in his duty and he has given unnecessary harassment to the applicant therefore he did not issue demand note within stipulated time given in the order of IGRC and not release the connection. Therefore he is personally responsible to pay compensation to the applicant.

10. It is contention of the non-applicant in reply that demand note was issued on 02-03-2017. However SNDL did not produce postal evidence on record to show that demand was sent and served to the applicant on 02-03-2017. It is an admitted fact that demand was not sent to the applicant either personally by handed over or ordinary post or registered post A/D. According to SNDL they sent SMS on the mobile of the applicant. In support of their contention, SNDL produced one document, but in this document it is not proved that SMS about demand was issued on 02-03-2017. Time period for payment of demand is also not mentioned in that SMS. Date of sending SMS is also not appearing in this document. Therefore we find no force in this contention of the non-applicant that demand was issued on 02-03-2017.

11. It is necessary for SNDL to send demand to the applicant either personally and get their signature about receipt of the demand or shall send demand note by registered post A/D and shall produce acknowledgement. There is no evidence to show that demand was sent to the applicant or it was served on 02-03-2017.

12. Suppose even if SNDL simply prepared demand on 02-03-2017 and did not send it to the applicant with intention to give trouble and harassment in that case applicant will not get knowledge about issuance of demand. Therefore we hold that SNDL did not issue demand even on 02-03-2017, though compliance period given in IGRC order till 25-01-2017. It is also unnecessary harassment to the applicant physically, mentally and economically.

13. Therefore SNDL is directed to issue demand note to the applicant afresh and on receiving demand applicant shall pay amount of demand. SNDL shall release connection within 30 days from completing necessary formalities by the applicant.

14. Facts of this case shows that SNDL has given unnecessary harassment to applicant lady by repeating series of illegal Acts. Therefore there was mental, physical and economical harassment to the applicant. Therefore applicant is entitle to claim compensation of Rs.1000/- (Rs. one thousand) from SNDL.

15. Hence forum proceed to pass the following order.

ORDER

1. Application is allowed.
2. SNDL shall issue and serve the demand note to the applicant personally immediately.
3. From receiving demand, applicant shall pay amount of demand and shall

complete all necessary formalities.

4. SNDL shall release electric connection to the applicant, on completion all necessary formalities.
5. SNDL shall pay compensation of Rs.1000/- (Rs.One thousand) to the applicant for physical, mental and economical harassment.
6. Business Manager of SNDL is directed to conduct departmental enquiry of these illegal activities and impose punishment to negligence officer of SNDL and recover amount of compensation Rs.1000/- from his/her salary.
7. Non-applicant is directed to submit compliance report within 30 days from the date of this order.

Sd/-
(N.V.Bansod)
MEMBER

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

sd/-
(Shivajirao S. Patil),
CHAIRMAN