

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

Case No. CGRF(NZ)196/2016

Applicant : Shri Mohammad Ishaque Ansari
24/2394, Old Pili Nadi, Kamthi Rd.
Nagpur-14.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F.) NUC, MSEDCL,
NAGPUR.

Applicant :- In person.

Respondent by 1) Shri Vairagade, EE, Nodal Office
2) Shri Tekam, Nodal Office.
3) Shri Dahasahastra, SNDL Nagpur.

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

2) Shri N.V.Bansod
Member

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

ORDER PASSED ON 23.01.2017.

1. The applicant filed present grievance application before this Forum on 30.12.2016 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 as per decree in Reg.Civil Suit No.214/2013 dated 14-07-2014 tenant of the applicant vacated the house on 29-09-2014.

Applicant applied for change of name on 23-03-2015 but SNDL directed the applicant to produce NOC or consent letter of the tenant. Such NOC of the tenant was not produced by the applicant therefore there was no change of name. Applicant filed case No.375/2015 before the IGRC and requested for change of name. As per order dated 22-05-2015 IGRC directed SNDL to effect change of name in subsequent billing circle after payment of demand charges by the applicant. But meanwhile tenant filed an application to disconnect the supply permanently on 30-04-2015 i.e. before 22 days of passing the order by learned IGRC. In short during pendency case No.375/2015 before IGRC tenant applied for permanent disconnection on 30-04-2015 and SNDL disconnected the supply on the application of the tenant.

3. Again applicant filed grievance application before IGRC 2nd time vide case No.1101/2016 and claim to reconnect the supply so also claim compensation of Rs.25000/-.

4. As per order dated 30-11-2016 in case No.1101/2016 IGRC directed to reconnect the supply with installation of the meter immediately without recovering any charges from the applicant but request for payment of compensation was rejected. Being aggrieved by order of IGRC about rejection of the compensation applicant approached to this forum and claim compensation of Rs.25000/-.

5. Non applicant, denied applicant's case by filing reply dated 10.01.2017. It is submitted that tenant applied for disconnection of supply on 30-04-2015 and therefore supply was disconnected in January-2016. As per order of IGRC there was change of name in the name of applicant. IGRC has rejected claim of compensation. Applicant is not residing in this dilapidated hut and there was no harassment or loss to applicant.

Therefore applicant is not entitle for compensation.

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

7. It is evidence from the record that on 29-09-2014 tenant of the applicant vacated the premises and handed over possession of the premises to the applicant. Applicant applied for change of name on 23-03-2015. SNDL directed the applicant to produce NOC or consent letter of the applicant as per the provision laid down under Regulation 10.3 (1) of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other condition of supply) Regulation 2005 but applicant did not complied. **It is specifically provided under Regulation 10.3 (1) of MERC (Electricity Supply Code and other condition of supply) Regulation 2005 that “Application for change of name under Regulation 10.2 shall be accomplished by consent letter of transferor for transfer of connection in the name of transferee”.** However applicant did not produce NOC or consent letter of the tenant. Meanwhile tenant applied for permanent disconnection of supply on 30-04-2015 and therefore there was P.D. because connection was in the name of tenant. It is but natural that the tenant was consumer as that time i.e. on 30-04-2015 and therefore on request of consumer tenant supply was permanently disconnected. As the tenant was the consumer and he applied for permanent disconnection. There was no need to issue notice U/s. 56 of Electricity Act 2003 to tenant consumer. Therefore SNDL has rightly and legally disconnected the supply on the request of consumer tenant. Therefore it was not illegal disconnection. Therefore we hold that finding of IGRC in case No.1101/2016 dated 30-11-2016 that it was illegal disconnection is erroneous and illegal and improper. Therefore needs to be said aside. We hold that the date of filing application in permanent disconnection dated 30-04-2015 by the tenant. Order

passed by IGRC in previous case No.375/2015 decided on 22-05-2015 was not in existence and therefore considering these special set of circumstances, disconnection was not a illegal but even then disconnection was converted into reconnection of the supply with installation of the meter without recovering any charges from the applicant later on.

8. IGRC passed order dated 22-05-2015 in case No.375/2015 and directed to that effect change of name in subsequent billing circle after demand charges by the applicant. Applicant deposited charges of demand Rs.550/- on 03-06-2015. Therefore name of the applicant was changed on record.

9. As per order dated 30-11-2016 in case No.1101/2016 IGRC directed to reconnect the supply with installation of the meter immediately **without recovering any charges from the applicant** therefore supply was restored on 03-12-2016. But IGRC hold that the premises are not in use since long yet under non-use and no one is suffered due to non-availability of electric supply therefore rejected the case for compensation of Rs.25000/-

10. Therefore the simple point before us for consideration whether applicant is suffered due to non-availability of electric supply since date of disconnection till reconnection of supply and whether applicant is entitle for compensation of Rs.25000/- We hold that applicant is not entitle for compensation of Rs.25000/- much less any compensation for the following reasons ----

11. It is noteworthy that applicant produced copy of decree in Reg. Civil Suit No.214/2013. In this document in schedule of the property boundaries of the premises are given i.e.

North : Remaining portion i.e. House of plaintiff
South : Road
East : Remaining portion i.e. House of plaintiff
West : Remaining portion i.e. House of plaintiff

12. It means to the North side of premises there is remaining portion of applicant's house, towards -- East side there is remaining portion of applicant's house, towards -- West also remaining portion of house of applicant. SNDL produced totally 11 photographs to show condition of the premises. From these photographs it is clear that spot is nothing but an old and dilapidated very old closed hut which is completely damaged and totally out of use. Gross, branches of trees and garbage is tremendously developed in the premises. There is a big "lock" to the main gate of the ground of Hut. Premises are not in use since last i.e. since numbers of years therefore in fact there was no necessity of supply and no inconvenience is caused to the applicant due to non-supply. Furthermore on 3 sides there is house of applicant where electricity supply is available. Therefore applicant could have taken the supply even from his house from North – East or West side. i.e. premises of applicant. Premises i.e. Hut is in non-use since long and even today also it is under non-use and therefore no one is suffer due to non availability of electric supply. Therefore there is even no harassment inconvenience or loss to the applicant. Therefore we hold that applicant is not entitle for any compensation.

13. There was no negligence or delay on the part of employees of SNDL but these specifically chain of circumstance happens due to complications of change of the ownership, non providing NOC of the tenant, filing application by tenant for

disconnection etc. There was no intentional mistake or fault on the part of employees of SNDL. There is no loss to the applicant.

14. On the contrary supply is reconnected without recovering any charges from the applicant. Therefore in fact if supply could have been continued in dilapidated old non used hut, applicant will have to pay minimum monthly electricity charges. But those charges are also shaved. Furthermore applicant got reconnection without any charges.

15. Therefore there is no loss, harassment or inconvenience to applicant and hence applicant is not entitled for any compensation. Present application is nothing but just an attempt to extract a handsome amount from SNDL without any basis or reasons. Grievance application deserves to be dismissed.

16. For these reasons we hold that applicant is not entitled for compensation. Order passed by learned IGRC is legal and correct. There is no illegality or perversity in the order passed by IGRC therefore order of IGRC is perfectly justified and needs no interference. Grievance application deserves to be dismissed.

17. Hence we proceed to pass the following order.

ORDER

Grievance application is dismissed.

Sd/-

(N.V.Bansod)
MEMBER

sd/-

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

sd/-

(Shivajirao S. Patil),
CHAIRMAN