

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

Case No.CGRF (Gondia) 08/2017 & 09/2017

Applicants –Case No. 8/2017-Mr.Sunil Dewaji Bhalerao
Case No.9/2017- Mr.Chandrashekar Dewaji Bhalerao
At- Ambedkar Ward, Gondia.

Non Applicant – Nodal Officer, Executive Engineer,
MSEDCL Gondia Division Gondia.

Applicant – By Mr. K.S. Parihar, Applicants Representative

Non Applicant – Mr. Jain Addl.Executive Engineer,
O&M Urban Sub-division Gondia,

Quorum Present–Mr. S. K. Wankhede, Technical Member
Mr. N. R. Bansod, Member

Order Passed On 18/07/2017

We are of the view to decide C.No. 8/2017 & 9/2017 jointly as applicants are real brother and Nonapplicant is also same in both the cases and facts in both the cases are almost same.

1) The applicants filed present grievance applications before this forums on dated 16/06/2017 Under Regulation 6.4 of the Maharashtra Electricity Regulations Commission(CGRF& EO)Regulation, 2006 (here in after referred to as said regulations).

2) We heard the arguments and perused the reply of the non applicant on dated12/07/2017 as well as additional submission on dated 14/07/2017 and also persuade all the documents etc. filed by both the parties.

3) It is an undisputed fact that both the applicants applied for New Residence service connections on Vide 'A1' Application form ,along with Tax

Receipts on dated 14/07/2016 ,Assessmentlist of Building by Gondia Municipal Corporation.

Non applicant vide their letter dated 04/03/2017 to Mr. Sunil Devaji Bhalerao (case No. 8/2017) informed that as per spot inspection, it is observed that the demand for new service connection is on the same place where the P.D. dues of 4 no. of connections are in the name of Mr. Ramji Namji Bhaladhare with outstanding amounting total Rs.115880/- (Approx) and as per rules after payment of P.D. dues only, the action will be taken on applications.

4) Applicants stated that they have constructed house on open plot of Area 60'X10'(both) and on their open plot, 4 no of connection are in the name of Ramji Namji Bhaladhare have no concern with them& never on the same premises. IGRC also rejected the grievances even though in the same identical another case before IGRC, Gondia, they have allowed the new service connection.

5) On perusal of record filed by Non applicant it is clear that Shri. Ramji Namji Bhaladhare was having 4 no of electricity connection with consumer nos i.e 430010055495, 430010048332, 430010055487, 430010055509. And were disconnected bynon applicant on dated 12/04/2008, 23/06/2012, 05/04/2006, 05/04/2006 respectively for Non payment of dues.

6) It is big Question before us that how the Non applicant has given 4 no of connections on the same premises to Mr. Ramji Namji Bhaladhare on 01/01/1969 & 01/01/1970. Last connection was P.D on dated 23/06/2012,and it was quite within the per view of Non applicant to collect the amount of P.D connections on 05/04/2006, 05/04/2006, 12/04/2008 to last P.D connection on 23/06/2012 (con.No.430010048332) but Non applicant have not taken any efforts for recovery till last connection was live i.e on or before 23/06/2012.

7) Non applicants did not file the 'A-1' Application forms of above 4 no of electricity P.D connections on pretext that P.D. connections are very old and Non applicant also failed to produce any correspondence for recovery of P.D. dues prior to 2016 but letters regarding amnesty scheme etc in the year 2017 are filed which are not concerned to resolve present controversy.

8) We are of the opinion that P.D. dues of 4 no. of electric connections of Mr. Ramji Namji Bhaladhare are more than 3 years old and hence bar

by Limitation as per Limitation Act as well as the Electricity Act 2003 & prevailing regulation.

9) Non applicant in their additional reply on dated 14/07/2017, stated about the survey report of concerned "Jan Mitra" who mentioned that P.D. arrears are in the name of Mr. Ramji Namji Bhaladhare which are outstanding. The survey Report is dated 15/09/2015 appears to have been signed by Mr. Mandurkar and non applicant relied on the same without counter check.

10) Main controversy is regarding the place or premises of Mr. Ramji Namji Bhaladhare (P.D consumer) & present Applicants.

On perusal of record filed by non applicant the Address of P.D. consumer is at "SHRI NAGAR" Gondia, Where as address of applicant are House No. 16/205 & 16/203, Ambedkar Ward, P.P. College Road, Gondia and accordingly, Nagar Parishad Gondia has assessed the Building Tax and received the same on 14/07/2016. Hence It is proved that the place or premises of P.D. consumer and applicant are totally different and mismatch the presentation of Non Applicant as well as IGRC and Applicants are occupants of the mentioned premises and are entitle to Apply for New service connection as per the provision of the electricity act 2003 & Electricity Supply regulation 2005.

11) As per requirement, "A-1" form & municipal Tax receipt & Assessment as well as affidavit is filed by applicants. On perusal of 'A1' form back side at bottom it is clearly mentioned that "If none of the above document is available then affidavit on Rs.200/- Stamp paper should be submitted (format enclosed). And applications are complete & non applicant as well as IGRC missed the Vidialpart of documents.

12) Applicant also relied on order dated 28/01/2017 of IGRC Gondia in case No. 91. On close perusal of order the case is identical to present cases and in that order IGRC authority rightly ordered as under (A) MSEDCL should release the connection to the applicant within 3 days without delay (B) P.D. arrears should be recoverd by MSEDCL from original consumer without delay and IGRC at Gondia cannot issue different orders for other consumers. Hence contention of Non applicant & order of IGRC deserves to be discarded as without documentry support.

13) Applicants claimed SOP compensation. As per MERC (standard of performance of distribution licenses , period for giving supply and determination of compensation) Regulation 2014, "Appendix A" time period for inspection is 7 days (Urban Areas) & time period of intimation of charges is 15 days in urban area and supply is in 1 month from existing network.

The application is dated 23/11/2016 and it was expected to inform charges on or before 09/12/2016 and same is not done by Non applicant. Hence Non applicants are liable to pay SOP compensation from 10/12/2016 till date of demand note (charges) and connection as per provision of the electricity Act 2003.

Hence the following order

- 1) Applications are party allowed.
- 2) Non applicants /MSEDCL are directed to issue demand notes within 3 days and release connection within 7 days from date of payment without delay
- 3) Non applicant / MSEDCL are directed to pay sop compensation for late demand from 10/12/2016 till delivery of demand note Rs.100/- per week or part thereof.

Sd/-

Member (Technical)

Sd/-

Member (CPO)

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

Case no CGRF (Gondia) 07/ 2017

Application - Smt-Warsha Dipak Lilwani,
At-po-Murri,Tah-Dist-Gondia

Non Applicant – Nodal Officer , Exicutive Engineer,
MSEDCL Gondia. Division, Gondia.

Applicant – Through Representative Mr. Parihar,

Non Applicant – Mr. Dakane, Dy. Ex. Engineer, Rural Gondia.

Quorum Present – 1) Mr. S. K. Wankhede, Technical Member.

2) Mr. N. V. Bansod, Member.

Order Passed On 18/07/2017

- 1)The Applicant Filed Present Grievance application before this forum on 5/6/2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (CGRF & EO) Regulation, 2006 (Here in after Referred to as said Regulations)
 - 2)IGRC as well as Non applicant, denied applicant's case and N.A. filed reply dated 29/6/2017.
 - 3) Forum heard argument of both the parties, and pervsal record.
 - 4) The Grievance of the Applicant is that forum in case No. 4/2017, Ordered for refund difference of tariff since before 2 years of filing first application by the applicant dated 29/4/2016 (29/4/2016 to 28/4/2016) instead of since date of connection 21/10/2010 to May 2016, and applicant filed representation before electricity ombudsman, Nagpur on 21/3/2017 and same is under consideration.
 - 5) Non applicant main demand is for refund of electricity duty be came for refund of duty there is no period of limitation. Presuibed in the electricity Act 2003 & SOP Regulation 2014.
 - 6) During Hearing, Applicant's representative state that his earlier case No 4/2017 is for refund of Tariff difference and new grievance is regarding refund of electricity duty from date of connection till his application.
 - 7) Non Applicant in reply stated that as per order of the forum 2 years difference of tariff and electricity duty is refunded (and same is confirmed by the applicant) but electricity duty of commercial billing cannot be refunded
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