

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.

KONKAN ZONE RATNAGIRI

Consumer Grievances Redressal Forum Ratnagiri

Consumer case No. – 07 /2013

Date :- 18.02.2013

**Mr. Shankar Bhiwa Pawar
R/o Boudhwadi,Nate
Tal-Rajapur
Dist- Ratnagiri**

}

Complainant

V/S

**Executive Engineer
Maharashtra State Elec.Dist.Co.Ltd.
O. & M.Dn.Ratnagiri**

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Opposite Party

Quorum of the Forum

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- 1) Mr. D. S. Jamkhedkar
Chairman**
- 2) Mr. V.B.Jagtap.
Secretary Member**
- 3) Mr. N. A. Kulkarni
Member**

On behalf of consumer

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- 1) Mr.Shankar Bhiwa Pawar**
- 2)Mr.Jayant Purushottam Biwalkar**

On behalf of opposite party

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- 1)Mr. A.W.Mahajan Ex.Er.
O. & M. Dn. Ratnagiri**
- 2) Mr.D.M.Kamble
Asth. Engineer,
Rajapur -I S.Dn.**

The applicant has moved this forum for getting re-connected the electric supply which was dis-connected on 26/06/2012, which was given on the basis of application of March 2011. The chequered history of the matter is as follows:-

There is a Boudh vasti at Nate which is specifically of the people from Boudh community. Near this vasti, there is a well belonging to Zillah Parishad Ratnagiri and even as per the record maintained by Revenue authorities and Z.P. authorities, this well is meant for these people and they are fetching water from that well since long. With the aforesaid background Z.P. Ratnagiri on the basis of the proposal sent by G.P. Nate on 08/05/2009, sanctioned the same on 12/05/2009 but by imposing certain conditions. Said letter has been produced on record. Under this letter, Z.P. has imposed two important conditions, one condition is to the effect that the entire expenses for getting connection and energy bills be shouldered by applicant and his neighbours i.e. beneficiaries and second is that the connection be released by Mahavitran in the name of Grampanchayat Nate. Thereafter Grampanchayat Nate informed applicant to give undertaking in the nature of bond of Rs. 200/- under its letter dated 25/05/2009 and certain strange conditions were imposed. It appears that applicant opposed to give undertaking as the conditions imposed were contrary to the directions issued by Z.P. to the Grampanchayat Nate.

Any Way, the opponent has then sanctioned connection and so informed to the applicant, under letter dtd. 21.11.2009. The quotation was also given and applicant deposited amount of quotation Rs.1525/- on 22/02/2010. The connection was given to the applicant. but on the basis of objection taken by third party it was again disconnected on or about 7th August 2010. It appears that in the meanwhile again there was exchange of letter between Grampanchayat Nate and Z.P., and the Z.P. under its letter dated 10.07.2010 scolded Grampanchayat officials for illegal actions.

Against the disconnection dated 07/08/2010 applicant approached District Consumer Forum under the complaint dated 10/03/2011 (Complaint No.12/2011) and it was decided in favour of applicant on 22/07/2011. The other side approached Honble state consumer commission under appeal and the same was numbered as A/12/37. However the Honble state Consumer Dispute Redressal commission under its order dated 12th Dec.2012 allowed the appeal and set aside order of forum.

However after the decision of the District Forum, as directed by District Forum, applicant Mahavitran has given quotation of Rs. 36700/- for erecting poles and overhead lines, to the applicant. The applicant deposited the amount on 06/09/2011 and the connection / Supply was again started on 26/06/2012. This was objected by B.D.O. Rajapur and the supply was again disconnected on 28/06/2012. It is against this disconnection of supply, the consumer has come before this forum.

A notice of the compliant was issued to Mahavitran. Mahavitran has filed say in the matter and raised the only contention of bar to the entertainment of complaint under Regulation 6.7.(d) of MERC (CGRF & Ombudsman) Regulation 2005. Both the parties were heard.

Shri.Biwalkar for applicant Vehemently submitted that the Provision of Regulation 6.7(d) of MERC (C.G.R.F. & Ombudsman) Regulation 2005 is not applicable to the present case because after the decision of District Cousmer Redressal Forum,application was given for getting connection, it was given in June 2012 and again temporarily disconnected after 2 days and against this disconnection the consumer has approached this forum. So on the point. of this grievance of June 2012, there is no decision of the competent authority and thus Regulation has no application. It was also submitted that as there was oppose to the over head lines from some of the villagers,the applicant had taken. underground pipe line and thus now there is no cause for security hazard. With this background,it is also submitted that the amount of Rs. 37600/- be refunded to the applicant.as no poles were erected nor overhead lines were laid by Mahavitran.

As against this, on both the dates of argument,the officers of Mahavitran only made one line submission that the complaint is not maintainable in view of the provision of 6.7 of MERC(C.G.R.F.& ombudsman) Regulation 2005.

In view of the rival submission following points arise for our consideration and we have given findings against each of them for the reasons given below.

No.	Points	Findings
1.	Whether the applicant is entitled to the reconnection of electric supply	Yes
2.	What order	As per final order

Point No. 1 :-

At the threshold only, we have observed that the matter has got Chequered history and the dispute is still lingering only because of the non - cooperation at the local level.

In fact,being the citizen of India every individual has got fundamental right to have “food,clothing & shelter”. It is needless to say that the word ‘food’ includes not only water but potable water. Being the Grampanchyat i.e local self Government at the village level, it was and it is the primary duty of Grampachyat to supply water to this Boudh Vasti, also in which the applicant is residing and this is so emphasized by Z.P. Ratnagiri time and again while giving directions to the Grampachyat.

It is only on the basis of proposal sent by Grampachyat on 08/05/2009, Z.P. Ratnagiri directed Grampachyat. to take connection in it’s own name but at the

expenses of the consumer. This direction given by Z.P. was most important and Grampachyat. Nate Should not have sidelined it.

In fact, A.E. Mahavitrان has sent letter to Grampachyat. Nate to submit form 'A-1' for getting connection in it's name in view of the directions of Z.P. Ratnagiri in but instead of sending the filled up form GP had given adamant reply on 08/02/2011. This shows that Grampachyat. Nate was not in a mood to co-operate consumer nor mahavitrان.

All the aforesaid development lead us to the conclusion that, Z.P.has directed Grampachyat. to take connection in it's name at the expenses of the beneficiaries and Mahavitrان was also ready to release connection in the name of Grampachyat. Nate but the Grampachyat. may be due to local pressure was neither succumbing to the request of consumer nor was respecting directions given by Z.P. Ratnagiri, and so the complications were there.

Initially villagers opposed underground cable laid by consumer so disconnection was there, then District Consumer Forum directed laying of poles and overhead lines. so consumer deposited Rs. 36800/- but again villegers opposed and in turn now consumer has laid underground water pipe line. The meter and connection are near well. Submission made by Shri. Biwalkar on these lines have not been retorted by Mahavitrان. So there is no difficulty in accepting this submission.

So in view of the recent development of underground water pipe line, there is no security hazard either to the students or villagers and now Grampachyat. is expected to take leading stance in the matter to give proper supply to the Boudh locality. But in view of the correspondence made by Grampachyat with Mahavitrان we find this to be remote possibility. But at any rate poor villagers should not be put to harassment.

Keeping in mind all these aspects we find that now there is no hitch in directing Mahavitrان to re-connect supply disconnected on 28/06/2012. we also feel that liberly should be given to G.P. Nate to get transferred connection in it's name if deemed fit and in view of the direction given by Z.P. Ratnagiri. We have come to the conclusim that consumer is entitled for reconnection.

So for as bar of Regulation 6.7(d) of MERC (CGRF & Ombudsman) Regulation 2005 is concerend,we find that connection was reconnected after the decision of District Consumer Forum and the application for that was also made after the decision and the connection was also given after the decision, which gave fresh cause of action to the consumer. So the provision does not come in the way of consumer in getting relief. with this background we hold that. consumer is entitled to the reconnection and answer the point accordingly.

PointNo.2:-

In the result the grievance deserves to be allowed. The consumer has also asked for refund of Rs.36800/- deposited by him. The work of laying of over head lines

could not be undertaken by Mahavitran due to local oppose so the consumer is certainly entitled to the refund.

Hence we proceed to pass following order

Order

- 1) **Grievance application is allowed.**
- 2) **Mahavitran is directed to reconnect the electric supply of the consumer which was disconnected on.28/06/2012 by the end of 30th July 2013**
- 3) **Grampachyat Nate may get transferred the electric connection given in the name of consumer applicant if it deems fit. within period of 21 days from the date of receipt of the order.**
- 4) **Mahavitran is directed to refund the amount of Rs.36700/- (Rs.Thirty Six Thousand Seven Hundred Only) to the consumer within one month along with Interest @ as per RBI norms.**
- 5) **Consumer be paid a sum of Rs. 1250/- (Rs.One Thousand Two Hundred Fifty Only) being the cost compensation and for incidental expences.**
- 6) **In case consumer desires to appeal against this order he should file his appeal to the following addresses.**

**Secretary,
OMBUDSMAN, Maharashtra State Electricity Regulatory Commission,
606/608, Keshava Building,
Bandra Kurla Complex,
Mumbai – 400 051.
Phone No.022 – 2659 2965.**

**D.S.Jamkhedkar
Chairman ,C.G.R.F
Konkan Zone**

**N.A.Kulkarni
Member,C.G.R.F
Konkan Zone**

Date : 16 .07.2013

Place : Ratnagiri

I the undersigned Shri. V.B.Jagtap in my capacity as Member/ Secretary of this forum do not agree with the order of this forum. It is pertinent to note here that for the grivances, consumer is already approached under the provision of Consumer Protection Act 1986 & accordingly District Forum Ratnagiri & State Forum of

Maharashtra decided this issue. This is the bar to the solution & in terms of rules of regulatory Commission the issue is out of the jurisdiction of this forum which needs to be rejected

Apart from this Upon verification of the facts & the circumstances of this case, it is noticed that since beginning the connection is one only. Mahavitran acted upon the application & subsequently upon the objections of third party they could not complete the further work. The crucial point in this case is the ownership of the well is belonging to Z.P.Ratnagiri, and Grampachyat Nate is under obligation to apply as beneficiary for the said water supply system. The Grampachyat Nate never responded nor approached Z.P.Ratnagiri and this has resulted Mahavitran to keep the issue pending for a certain period. In between, certain issues are referred to the civil court & also to the consumer court which has resulted to keep the issue in abeyance. Mahavitran on their part initiated all the efforts to release the connection which is further evidenced by issuing quotation & commencement of work, this itself proves that no fault on the part of Mahavitran. The documentary evidences also supports that the connection should be in the name of consumer, jointly with Grampachyat Nate. In the interest of Public of Boudhwadi concerned the Z.P. Ratnagiri as well as Grampachyat Nate are not the party nor they approached Mahavitran. Under these circumstance, the action initiated by Mahavitran is in accordance with provisions of Law & within the ambit of rules & regulation of MERC. It is therefore concluded that if at all, if the connection is to be released it should be released jointly either with Grampachyat Nate or Z.P. Ratnagiri.

V.B.Jagtap
Ex.Engineer,C.G.R.F
Konkan Zone

Date : 16.07.2013
Place : Ratnagiri

