

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
M. S. ELECTRICITY DISTRIBUTION CO.LTD.  
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **46** of 2007

Applicant : Shri Baliram Domaji Dhobale, At & Post : Nara,  
Taluka: Karanja (Ghadge), Dist.- Wardha.

- VS -

Non-applicant : 1.Executive Engineer/Nodal Officer, I.G.R.C,  
Circle Office,M.S.E.D.C.L., Wardha.  
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L.,Arvi.

---

Presence: 1.Shri N. J. Ramteke, Chairman  
2.Shri M.G.Deodhar, Member.  
3.Shri S. J. Bhargava, Member/Secy.

Appearance. : 1.Shri Baliram Domaji Dhobale-Applicant  
1.Shri S.M. Ghade, N.O.  
2.Shri Kothari, Dy.E.E.  
3.Shri S.M.Dhabarde,A.E.  
For Non-Applicants.

**ORDER**

( Passed this 23<sup>rd</sup> day of October,2007 )  
( Per Shri N.J.Ramteke, CHAIRMAN )

Applicant presented the application in form Schedule 'A' of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter called the 'Regulations') on 24/09/2007 to this Forum. On receipt of application, the Forum gave acknowledgement, called the parawise comments by giving copy of application and enclosed documents to the non-applicants, non-applicants produced the parawise comments to this Forum on 8/10/2007, the Forum issued notices for hearing to both the parties. The Forum heard both the parties on 18/10/2007. Thus the Forum followed the requirement under the principles of natural justice.

Applicant challenged the order of the I.G.R.C.,Arvi under this application in form schedule 'A' on the grounds that Shri M.B.Dhabarde, A.E. and Shri K.M.Naidu J.E. (officers of the M.S.E.D.C.L.) visited his premises on 15/6/2007 at Maouja Nara and disconnected the electricity supply of the floor mill ( Aata chakki) on 15/6/2007 without any prior intimation or notice. He is not in any arrears of electricity charges and, therefore, they have no right to disconnect his electricity connection. Applicant also alleged that they demanded money from Applicant and on his failure to give money to them, they disconnected the electricity

connection. There are two separate meters; one is in his name and the other in the name of his son -Shri Krishna Baliram Dhobale, who runs a flour mill at Mauja Nara. On 16/6/2007 he and his son visited the office of the Dy.E.E., M.S.E.D.C.L.,Arvi and informed electricity disconnection by giving an application in writing with copies to the Chief Engineer and Superintending Engineer. Since no action was taken by C.E. and S.E. on his application dated 16/6/2007, he made an application to the I.G.R.C. Arvi on 2.7.2007. On oral instructions of the I.G.R.C. Arvi, electricity supply was restored to his residence on 17/7/2007. There are many mistakes and shortcomings in the order of the I.G.R.C.. There is no mention about compensation and the money demanded by Shri M.B.Dhabarde,A.E. and Shri K.M.Naidu,J.E. He is not satisfied with the order of I.G.R.C. and, therefore, he approached this Forum for Redressal of his grievance.

Applicant made prayer to this Forum to set aside order of the I.G.R.C. Arvi to maintain the electricity supply to his residence , to cancel the date 17/7/2007 in the order dated 21/8/2007. He also demanded compensation of Rs. 25000/- for financial, physical and mental harassment to him, by non-applicants. He also demanded the cost of the cases before I.G.R.C., Arvi and this Forum.

The facts in brief are that Applicant is a consumer of the M.S.E.D.C.L.( For short 'Company') with consumer No. 405000053279. There is a separate meter in the name of his son - Krishna Dhobale with consumer No. 40500000353. Thus there are two separate meters for his residence and flour mill (Ata Chakki). On their visit to the premises of the Applicant on 15/6/2007, Shri Dhabarde and Shri Naidu disconnected electricity supply of Ata Chakki as they noticed unauthorized use of the electricity by Applicant. Thus they have disconnected the electricity supply of both the meters. On application under schedule 'X', I.G.R.C., Arvi passed the order on 21/8/2007. On oral instructions from I.G.R.C., the electricity supply of the residence was restored on 17/7/2007. Sarvashri Dhabarde and Naidu made panchnama on 15/6/2007 before disconnection of the electricity supply(Record page 25). The non-applicants in their parawise comments on the application in schedule 'A' contended that they have noticed unauthorized use of electricity by Applicant as he has taken electricity supply from meter of Ata chakki though he was holding separate meter. The spot panchnama was made by them in presence of Panchas. However, Applicant (Baliram Dhobale) refused to sign on the panchnama. The electricity supply was disconnected temporarily by A.E. and J.E. They issued a letter to Applicant on 16/6/2007 alongwith bill of Rs. 2850/- with instructions to make the payment within three days. They restored electricity supply on 17/7/2007 as per the oral instruction of the I.G.R.C. Arvi.

Applicant has taken electricity supply from the meter of Ata chakki in breach of Section 126 of the Electricity Act, 2003 and, therefore, action taken by him is justified.

At the time of hearing of both the parties on 18/10/2007, the Applicant reiterated the points in his favour as mentioned in the statement enclosed with the application in schedule 'X' (Record pages 2 to 4). Applicant repeated the allegations about the money demanded by Shri Dhabarde and Shri Naidu . The non-applicants also reiterated the points as mentioned in their parawise comments (Record page 17 to 20)

The Forum asked vital question to the non-applicants whether the I.G.R.C. Arvi was constituted legally as required under the rules framed by the M.S.E.B. and provide the copy of S.E.'s order as per letter dated 19/5/2004 of M.S.E.B. The non-applicants could not give any reply in this regard. They were directed to produce the copy of SE's order about constitution of I.G.R.C. at Arvi. The non-applicants produced the copy of letter dated 18/7/2005 (Record page 23) addressed to Shri M.S.Patel, Dy.E.E. Arvi by E.E., M.S.E.D.C.L.,Arvi.

It is seen from the record and the rules framed by M.S.E.B. about the constitution of I.G.R.C. and functioning of the unit, the I.G.R.C. Arvi is not constituted in terms of the rules framed by the then M.S.E.B. It has been clearly laid down under the rules that the I.G.R.Committee at Circle H.Q. will consist of Executive Engineer, O&M Circle office, Accounts Officer/Divisional Accountant and Senior Clerk (GAD) appointed by the S.E., O&M. The M.E.R.C.(CGRF & EO) Regulations,2003 provide for the I.G.R.Units under Regulations. The M.E.R.C.Regulations,2006 also provide for I.G.R.C. under Regulation 6.1. On perusal of the old and new Regulations of M.E.R.C. and rules framed by M.S.E.B.(Now M.S.E.D.C.L.) make is clear that the I.G.R.C. at Arvi is not legally constituted. The impugned order of the I.G.R.C. Arvi is passed by Dy.E.E. and other officers of M.S.E.D.C.L. It is not understood how I.G.R.C. is constituted at Arvi and by whom. Thus it is clear that the so-called I.G.R.C. exceeded its jurisdiction. The S.E., Wardha is directed to look into this vital legal matter about the constitution of the I.G.R.C. It is also the duty of Nodal officer to see the legality of the I.G.R.C. under Regulations. The non-applicants produced the copy of letter dated 18/7/2007 of E.E.(Record page 29) addressed to one Shri Patel, Dy.E.E. This letter does not justify the constitution of the I.G.R.C. This letter is merely the internal arrangement about the complaints raised by the consumers in the grievances Redressal committee. This is internal administrative arrangement by the D.L. and it has nothing to do with the I.G.R.C. which is to be constituted by the S.E. as per the rules. The non-applicants failed to produce any documents about authorization to the E.E. to constitute I.G.R.C. The question arises whether impugned order passed by the so-called I.G.R.C. Arvi, can it hold good in light of law? The impugned order is passed by the

I.G.R.C. without jurisdiction. However, the Forum has to decide the case on merits so that the consumer is not caught between the legal formalities. It is not the fault of the consumer to approach the I.G.R.C. He had also made an application to the Dy.E.E. with copy to the superior officers in the form of complaint on 16/6/2007. It also can be taken into consideration to decide the present case.

On perusal of the record and hearing both the parties, the Forum come to the conclusion and decides as under.

The non-Applicants disconnected electricity supply, stopping the electricity of both the meters on 15/6/2007. The non-applicants relied on Section 126 of the Electricity Act, 2003. However, they have not followed the procedure as laid down under section 126. They have admitted that the procedure as laid down has not been followed by them. It is not necessary to elaborate the procedure in this case since admission of the non-applicants is sufficient. Since the electricity supply was taken from the ata chakki meter, they should have not disconnected the supply of residential meter of Applicant. This action is in excess of their powers while disconnecting supply of both the meters. It is a matter of fact that Applicant was without electricity supply from 15/6/2007 to 17/7/2007. As per Electricity (Amendment) Act, 2007 (26 of 2007), Sub section 3 of the present Act has been substituted by Section 3. The procedure as laid down in the ammended Act has also not been followed by non-applicants. The non-applicants merely issued a letter on 16/6/2007 with a bill of Rs. 2850/- with last date as 19/6/2007. There is no provisional or final bill in this regard. Thus the non-applicants failed to follow the mandate of section 126 of the Electricity Act, 2003. The Forum finds no substance in the submission of the Applicant to cancel the date 17/7/2007 as mentioned in the order dated 21/8/2007 of the I.G.R.C. The electricity supply was restored in the residence of the Applicant on 17/7/2007 on oral instructions by the so-called I.G.R.C.

With above observations, the Forum is of the opinion that Applicant is entitled for some compensation as he was without electricity from 15/6/07 to 17/7/2007. The I.G.R.C. Arvi should have mentioned in the order about oral instructions given to the non-applicants about restoration of electricity supply. But it has been merely mentioned to restore electric supply on 17/7/2007 in this order dated 21/8/2007. The I.G.R.C.,Arvi is also silent in this order about compensation. However, I.G.R.C. clearly mentioned in the order dated 21/8/2007 that disconnection of the electricity supply is illegal as Applicant was not in any arrears of electricity charges. It has not elaborated this point. The Applicant has not given any justification about compensation of Rs.25000/-. It is seen from the record and submission of the non-applicants, Shri Dhabarde,AE and Shri Naidu,JE have not followed the procedure under Section 126 though

they relied thereon and, therefore, for the default of the officials, the M.S.E.D.C.L.(D.L.) can-not be burdened with the compensation. The officers of M.S.E.D.C.L. are supposed to know the law and the procedure laid down therein. They are entirely responsible for the commission and omission and the D.L. can not be held responsible. Disconnection of electricity supply of both the meters in the name of security cannot be treated as bonafide action.

The Forum passes the following order.

**ORDER**

1. Application is partly allowed.
2. The compensation of Rs. 1000/- is to be given to Applicant.

The amount of Rs. 1000/- is to be recovered from Sarvashri Dhabarde,A.E. and Naidu, J.E. and paid to Applicant within one month from the date of receipt of this order.

3. The claim of compensation of Rs. 25,000/- is rejected.
4. Parties to bear their own cost.

SD/Illegible  
CHAIRMAN

SD/Illegible  
MEMBER

SD/Illegible  
MEMBER-SECY

CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., NAGPUR ZONE (RURAL) NAGPUR.

No. CGRF/NZ/R/

Date:

This is to certify that this is the true and correct copy of the above order.

Member-Secy./ Exe.Engineer,  
C.G.R.F.(NZ-R) MSEDCL  
N A G P U R

Copy to :

1. Shri Baliram Domaji Dhobale, At & Post : Nara, Taluka: Karanja (Ghadge), Dist.- Wardha.
2. The Chief Engineer, Nagpur Zone (Rural) MSEDCL, Vidyut Bhavan, Katol Road, Nagpur.
3. The Nodal Officer/E.E.(Admn), Circle Office, M.S.E.D.C.L., Wardha..
4. The E.E., C.C.O&M Dn., MSEDCL, Arvi for information and necessary action.

**Address of - Electricity Ombudsman is given as below.**

Office of - The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606-608, Keshava Building,  
Bandra-Kurla complex,  
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)  
022 - 26590339 (Office)