

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 107/2013

Shri Kiran Kesharao Larokar
Gurunanak Ward, Ganeshnagar
Gondia
Dist.Gondia

Complainant

,,VS.,

1. Executive Engineer,
MSEDCL,O&M Division,
Gondia.

2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Gondia.

Respondents

Applicant represented by

- 1) Shri Kiran K.Larokar
- 2) Shri K.S.Parihar, Authorized representative

Respondents represented by

- 1) Shri Y.D.Meshram, Executive Engineer, Gondia.
- 2) Shri Abhay Meshram, UDC, Gondia.

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 23rd day of January, 2014)

2. Shri Kiran Kesharao Larokar r/o. Gurunanak Ward, Ganeshnagar, Gondia (hereinafter referred to as, the applicant) has domestic connection of the distribution licensee MSEDCL (hereinafter referred to as, the respondent). It is the contention of the applicant that the respondent illegally disconnected his power supply. So he claimed compensation. He approached IGRC Gondia. His application had been dismissed vide order passed under no.SEG/Tech/3424 dated 09-10-2013. Feeling aggrieved by

the aforesaid order, the applicant presented the instant application under the provisions of regulation 6.4 of the MERC (CGRF and EO) Regulations 2006 on 05-12-2013.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EEG/Tech/7687 dated 01-01-2014. The case was fixed for personal hearing on 13-01-2014. Shri Kiran Kesharao Larokar, the applicant himself and Shri K.S.Parihar, an authorized representative were present. Shri Y.D.Meshram, Executive Engineer, Gondia & Shri Abhay Meshram, UDC represented the respondent. Both the parties were heard.

4. Shri Parihar argued that the applicant took a connection for the domestic purpose. The connection was released on 22-11-2009 and his consumer no. is 430010423010. The applicant built a building on a open plot. Before the existing connection there was no connection in his name. It is not true that the premises presently occupied by the applicant were previously owned by Mr. Joseph. In fact the plot was previously owned and possessed by Smt. Pramilabai Larokar. Smt. Pramilabai Larokar purchased the plot from one Karim ali Bande ali.

He is paying the electricity bill regularly. He deposited Rs.3790/- on 24-05-2013 as his bill for May 2013. Respondent disconnected the supply of the applicant on 04-06-2013 at about 3.00 p.m. He filed a complaint. However no cognizance was taken. His supply was reconnected on 08-06-2013.

During this period there was no power supply. He had to suffer agony. As it was a summer, he had to hire a generator. He had to pay the charges. Suitable

compensation may be awarded. The applicant had no power supply for 96 hours. So a compensation @ Rs.50 per hour may be awarded as the respondent failed to attend fuse off call within the stipulated period.

He approached IGRU Gondia. However without proper appreciation of the facts on record the IGRU passed the order. The order is not just and proper. The applicant requested for relief as stated above.

5. In reply Shri Meshram, Executive Engineer, stated that in the premises present occupied by the applicant an electricity connection no.430010059181 was provided. It was in the name of one Mr.P.C.Joseph. There were arrears of Rs.95,975/- against this connection. This connection had been permanently disconnected from 19-10-2010. As the premises came to the present applicant, he was responsible for the arrears amount. So MSEDCL employees disconnected power supply of connection no.430010423010. Shri Larokar (respondent has not mentioned, Shri Kiran Kesharao Larokar – the applicant) deposited the arrears amount. The amount was deposited on 08-06-2013. So power supply was reconnected immediately.

The action taken by the respondent is proper. The application has no force. It may be dismissed.

6. We have perused the record. We have heard the arguments advanced by both the parties carefully.

Before coming to the final conclusion, we have considered the following points,

(1) There are in all three power connections in the alleged premises. (1) Shri Ravindra Kesharao Larokar con.no.430010423001, (2) Shri Kiran Kesharao Larokar

con.no.430010423010, (3) Shri Pankaj Kiran Larokar con.no.430010423028. This show that these are three independent and isolated families. There is nothing on record as to why the responsibility of arrears was fixed on all the three consumers and the action was taken against all the three.

(2) An electricity connection to the present applicant was given on 22-11-2009. Whereas the connection standing in the name of Shri P.C.Joseph was permanently disconnected on 19-10-2010. That means when a connection was given to the applicant, the connection of Shri Joseph was in existence. In such circumstances it is not proper to fix the responsibility of arrears standing against Shri Joseph on the applicant.

(3) The respondent pursued the recovery of amount standing against Shri Joseph. Shri Ravindra Kesharao Larokar gave a cheque bearing no.269029 dated 31-10-2009. The cheque was dishonoured. Shri Ravindra Larokar paid the penalty therefor.

Finally on 06-06-2013, Shri Ravindra Larokar gave a cheque of Rs.96,000/- towards the full and final payment of the arrears amount.

This show that the respondent was aware that Shri Ravindra Larokar is responsible for the arrears. So there was no necessity to take action against Shri Kiran and Shri Pankaj.

(4) The respondent gave a notice of temporary disconnection under no.DyEE/Sub Dn(U)/Gondia/REV/2336 dated 16-03-2013. The applicant replied the notice on 01-06-2013. He had clearly mentioned that his mother Smt. Pramilabai Larokar purchased the plot from one Shri Karim ali Bande ali. Shri Joseph had no interest in the plot. It

was an open plot. There was no power supply / connection in the plot. There is nothing on record that the respondent verified the contents anyway.

(5) The applicant produced the bill for the month May 2013. The bill is of Rs.3790/-. The applicant deposited the bill on 24-05-2013. No arrears are shown in the bill. When the bill is fully paid and there were no arrears shown as recoverable, it was not proper to disconnect the supply of this connection.

In view of the facts and circumstances discussed above, we are of the considered opinion that the action of respondent to disconnect the power supply of the applicant was clearly illegal, of high handedness and totally in misuse of power.

7. The applicant requested for compensation for non attending his fuse off call. The definition of, " fuse off call ", as given in, The MERC (standards of performance of Distribution licensees, period for giving supply and determination of compensation) Regulations 2005 is as follows,

" Fuse off call ", refers to a complaint handling procedure with regard to an individual consumer and involving restoration of supply by replacement of a fuse at such consumer's premises, not simultaneous with any other failure.

On perusal of the definition, it is seen that it refers to restoration of supply disrupted due to any problem. In the instant case there was no system defect but the respondent intentionally disconnected the power supply. So we are not inclined to grant any compensation on this count.

The applicant also claimed damages as he had to hire a generator as there was no power supply. The applicant may approach the appropriate authority for relief.

8. In view of the above discussion, we pass the following order,

ORDER

- i) Application No.107 of 2013 is hereby dismissed.
- ii) The parties to bear their own cost.

Sd/- (Adv.Gauri D.Chandrayan)	Sd/- (Ms.S.B.Chiwande)	Sd/- (Vishnu S. Bute)
<u>MEMBER</u>	<u>MEMBER SECRETARY</u>	<u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd. 23rd day of January, 2014)</u>		

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

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 23th January, 2014 in Case No.107 / 2013 is enclosed herewith.

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

To,
Shri Kiran Kesharao Larokar, Gurunanak ward, Ganeshnagar, Gondia, Dist.Gondia

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Gondia
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Gondia
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670