

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

Application/Case No. CGRF/NZ/Rural/ **47** of 2007

Applicant : Shri Krishna Baliram 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 Krishna Baliram Dhobale -Applicant with
Shri Baliram Domaji Dhobale.
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 23rd 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 issued acknowledgement, called the parawise comments of non-applicants by providing copy of application and enclosed documents, issued notices for hearing to both the parties and heard both the parties on 18/10/2007. Thus the Forum followed the requirement under the principles of natural justice.

This is a link case with case No.46 of Shri Baliram Domaji Dhobale. The issues and facts in both the cases are similar and, therefore, the Forum intended to pass common order. However, two separate applications are made in schedule 'A' and, therefore, the Forum is giving separate orders in both the cases. The facts and grounds in both the cases are similar. The electricity supply was alleged to have been taken from the meter of ata chakki and this meter belongs to Applicant (Krishna Dhobale). The Forum has given elaborately about facts and comments on the constitution of the I.G.R.C.,Arvi in the order in case No.46 of Baliram Dhobale. It is not desirable to repeat the same in this case.

The simple issue in this case is about bill of Rs. 2850/- and revision thereof by the so-called I.G.R.C.,Arvi in the order dated 21/8/2007. The I.G.R.C. in its order revised bill of Rs. 2850/- to Rs. 1300/-. The I.G.R.C. directed to issue the revised bill to Applicant and on payment by Applicant, the electricity supply to be restored. The Applicant has not accepted this bill of Rs. 1300/- and he challenged the same before this Forum. Applicant has also demanded compensation of Rs. 25000/- to be recovered from Shri Dhabarde and Naidu from their payments and to be paid to the Applicant.

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

The Forum noticed that the revised bill of Rs. 1310/- was issued by the non-applicants in terms of directives given by the I.G.R.C.Arvi with last date of payment as per order datd 21/8/2007 (Record Page 20). It means the relief of Rs. 1550/- is already given by the I.G.R.C.,Arvi to Applicant. Even this bill of Rs. 1310/- is not acceptable to the Applicant. Applicant has given some justification about the consumption of electricity by him as 19 units per month. On the other hand the non-applicants have taken average of 84 units taking into consideration the items of consumption of electricity as shown in the panchnama and the calculation of Rs. 2850/-(Rs. 2848.47). Since the relief is already given by the I.G.R.C., it is not necessary to give details about the calculation of Rs. 1300/- Shri M.G.Deodhar, Hon'ble Member of this Forum, is of the opinion that the bill of Rs. 1300/- to be quashed and Applicant is entitled for some sizable compensation on the grounds that the procedure as followed by the non-Applicants is totally illegal. The applicant has not derived any benefit from M.S.E.D.C.L., on the other hand he has paid energy bills on higher side at domestic consumption as per I.P. tariff hence not to be billed for any units and, therefore, the amount of Rs.1300/- should be quashed. Shri Deodhar further contended that as per average taken from assessment of non-applicants monthly consumption is only 84 units and therefore Applicant has not got any benefit. The majority (Shri N.J.Ramteke,Chairman and Shri S.J.Bhargava,Memb-Secy) do not agree with Shri Deodhar. The non-applicants are justified in submission that the electricity is to be used for the same purpose for which it has been supplied. They have noticed that the electricity was taken from the flour mill. The Applicant denied the panchnama, on the other hand Applicant produced the copy of panchnama. There is nothing on record to deny the panchnama. The Panchnama is on record and it is to be relied upon as Indian Evidence Act is not applicable in this case. The non-applicants have relied upon the calculation of 84 units on the basis of consumption between March, 2005 to April, 2007. They found that the consumption of 19 units per month is certainly below in view of the electricity consumption as claimed by Applicant. The non-Applicants have given calculation

for the 84 units per month as shown in the statement (Record page 26 of Case No.46). There is nothing on record to disagree with the non-applicants as they have given details of items of electricity consumption. Applicant claimed that he suffered a loss of Rs. 200/- per day as the electricity was disconnected from 15/6/2007. This claim is also not justified as he should have deposited an amount of Rs. 1300/- to the M.S.E.D.C.L. under protest and initiated further action. He has not made the payment of Rs. 1300/- under protest. In normal course, the consumer who is running a flour mill and who is suffering a loss of Rs. 200/- per day which is a source of his livelihood kept silence up till now without payment of Rs. 1300/- under protest. The majority agree with the non-applicants in their submissions that the consumption for the period 2005 to 2007 was increased as seen at the time of spot inspection and also the present consumption of electricity. Thus the demand bill of Rs. 1300/- is justified and Applicant has to make payment of the same to the M.S.E.D.C.L.

With the above observations, the Forum passes the order by the majority (Shri N.J.Ramteke,Chairman and Shri S.J.Bhargava,Memb-Sec) as follows.

ORDER

1. Application is rejected.
2. Applicant is directed to make the payment of Rs. 1300/- to non-applicants within one month from receipt of this order.
3. The non-applicants are directed to restore the electricity supply of Applicant within 10 days from the date of payment of Rs. 1300/- by Applicant by charging the restoration charges as prescribed by M.S.E.D.C.L.
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 Krishna Baliram Dobale, 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)