

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

**Application/Case No. CGRF/NZ/Rural/ 12 of 2005**

**Applicant** : Dr. Laxman Sitaram Urkude,  
: Master Colony, Hinganghat,  
: Distt. Wardha PIN-442301.

-Vs-

**Non-applicants.** : 1 The Executive Engineer/Nodal Officer,  
: Internal Grievance Redressal Unit,  
: Circle Office, MSEDCL, CHANDRAPUR  
: Circle Office, CHANDRAPUR.  
: 2. The Executive Engineer  
: CCO&M Dn., MSEDCL,  
: BALLARSHAH.

**Presence** : 1. **SHRI N.J. RAMTEKE, CHAIRMAN.**  
: 2. Shri M.G. Deodhar, Member.  
: 3. Shri M.S. Shrisat, Member Secretary.

**Appearance** : 1. Dr. Laxman Sitaram Urkude  
: 2. Shri N.G. Kandale, Dy.E.E.  
: (Representative of Non-applicants)

**ORDER**

(Passed this 27<sup>th</sup> Day of December, 2005)  
(Per Shri N.J. Ramteke, CHAIRMAN)

Applicant presented an application in Schedule "A" to this Forum for redressal of his grievance as mentioned in Schedule "A". Applicant sought the redressal from this Forum on the grounds that one Shri Vinod Ramchandra Urkude, resident of Bakhardi, Taluka, Koparna, Distt. Chandrapur, has taken unauthorized electric line from his land without taking permission. The land in question is under dispute and the matter is sub judice. The line is of the size 1/18 from the pole. It is not a service line. He has seen the spot on 9-11-05 and the position as it is. Applicant enclosed with his application the Xerox copies of the documents. On receipt of application in Schedule "A", the Forum gave him an acknowledgement as required under Regulation 6.6 of MERC (CGRF&O) Regulations, 2003 (herein after called the Regulations). The copy of the application along with the enclosed documents were sent to the Executive Engineer concerned and the Nodal Officer for their parawise comments as required under Regulations 6.7 and 6.8 of

the Regulations. The Non-applicants were directed to submit their parawise comments. The Non-applicants submitted their parawise comments through Shri Nagendra Gulabrao Kandale, Dy.E.E., Gadchandur on 8-12-2005 along with the documents as per list (Record pages 16 to 24). The copy of the parawise comments and set of papers are given to Applicant along with the notice of hearing. The Forum issued the notices to both the parties for hearing as required under Regulation 6.9 of the Regulations.

The Forum heard both the parties on 22-12-2005. Applicant was present in person at the time of hearing. He also submitted his written note of submissions and the copy of the same is handed over to Shri Kandale. The Non-applicants authorized Shri N.G. Kandale, Dy.E.E. to appear and represent in this case and make the submissions.

The main grievance of Applicant is that Shri Vinod Urkude has taken the electricity line unauthorisedly from the main line of the MSEDCL without using specified wire. It is not a service wire. He admitted that the land in question from where line passes through to the residence of Vinod Urkude is under dispute and the matter is sub-judice. He made an application to the Dy.E.E., MSEDCL, Gadchandur on 3-11-03, complaining as stated above. He also made application on 26-8-04. One Shri Sanjay Sadashiv Urkude made the applications to the concerned Officers of the D.L. on 9-6-04 and 22-1-05 on above lines. Applicant produced the Xerox copy of the spot position, showing the electric connection taken by Shri Vinod Urkude to his residence by a 7 feet pole (Record Page 12).

The Non-applicants in their parawise comments (Record Pages 16 & 17) submitted that the allegations as made by Applicant in his grievance application are not correct. Vinod Urkude is unauthorisedly using the electricity as alleged by Applicant is not correct. It is also not correct that the line passes through his land. It is not 1/18 wire but it is a service wire as given by the D.L. Applicant does not own any land in Village Bakhardi. The Xerox copy of the photograph submitted by Applicant is not correct. The whole matter arises out of the internal dispute between Applicant and Vinod Urkude. In support of their statements, the Non-applicants have produced the documents as mentioned above.

In view of above submissions and perusal of the documents, the Forum comes to the conclusion as follows:

As per Regulation 6.3 of the Regulations a consumer is entitled to seek the remedy on his grievance from the Forum. In the instant case Applicant is not the consumer of electricity in this Village. The Consumer Protection Act, 1986 defines the term "Consumer". Applicant does not fit within this definition in this case. Despite this definition of the consumer, Applicant has not made any application for the new electricity connection. Thus he cannot be treated as a Applicant to seek the redressal of the grievance. He has based his grievance on the main ground that the said line passes through the land in question. It is seen from the record that this land does not belong to Applicant. He himself admitted at the time of hearing that he is not the owner of the land in question and the matter is under dispute and sub-judice. The Sarpanch, Gram Panchayat, Bakhardi under his certificate dt. 6-12-05 (Record Page 20) submitted that Applicant does not hold any land at Village Bakhardi. The site plan (Record Page 21) as submitted by the Non-applicants, it is seen that the land in question is a open land and adjoining to the house of Sanjay Urkude. It is also seen from the tax receipt No.67 (Record page 21) that Vinod Ramchandra Urkude is paying the Gram Panchayat tax for the open land in question. The allegations of Applicant that Vinod Urkude has taken the electricity connection by 1/18 wire, is also not proved unless the contrary is proved by the documents or any independent oral evidence, this allegation cannot be accepted. Applicant has also admitted that he does not reside in this Village and stays in the house of Sanjay Urkude whenever he goes to this Village.

It is a matter of fact that Applicant and Sanjay Urkude made applications to the Non-applicants as mentioned above. The Non-applicants were expected to take the cognizance of these applications and give suitable response to Applicant. But they have not given any reply. The Jr.Engineer, Gadchandur made it clear (Record Page 19) that he had himself seen the spot on 24-11-03 and found no unauthorized electricity connection. He had also seen the spot in view of the application dt. 26-8-04 of Sanjay Urkude but found no substance in the allegations that Shri Vinod Urkude was utilizing the electricity unauthorisedly . It means, the concerned Officers of the D.L. had seen the spot and verified the matter. But unfortunately they have not given any reply to the Applicant or

Shri Sanjay Urkude. If they would have given the reply to the Applicant and Sanjay Urkude, the matter would not have come to this stage.

It is also seen from the record that the Non-applicants have not taken any cognizance of application in Schedule "X". Applicant submitted his grievance in Schedule "X" to Non-applicants on 11-7-05. Shri Kandale admitted at the time of hearing that no reply is given on Application "X". However, this is not a matter of consideration before the Forum about the disposal of application in Schedule "A". The main issue before the Forum is about unauthorized electricity line through the land of Applicant by non-specified electricity wire. On both the grounds, the Forum noticed that Applicant does not get any support from the documents as on record.

In view of above reasons, the Forum unanimously come to the conclusion and decide that Applicant failed to establish his case. This application deserves to be rejected.

Shri Madan G. Deodhar, Member opined that at least cost of the case is to be awarded to Applicant as the D.L. failed to take cognizance of the applications dt. 3-11-03 and 26-8-04 and also separate applications dt. 9-6-04 and 21-1-05 of Sanjay Urkude. Shri M.S. Shrisat, Member Secretary does not agree and opined that Applicant is not entitled for any cost of the case.

It is a matter of fact that D.L. has not given any reply to the applications as mentioned above including the application in Form "X". But Applicant is not a consumer and he has also not made any application for new connection and, therefore, the question of grievance does not arise. In view of this position, Applicant is not entitled for any cost of the case.

In view of above circumstances and position, the Forum pass the following order.

