

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 153/2014

Shri Panjabrao Champatrao Mankar
At.Po.Padmapur
Tq.District - Chandrapur.

Complainant

,,VS.,

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

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

Respondents

Applicant represented by

1) Shri Panjabrao C.Mankar himself

Respondents represented by

1) Shri V.P.Deshpande, Adl.Exe. Engineer Chandrapur

CORAM:

Shri Vishnu S. Bute, Chairman.

Adv. Gauri D. Chandrayan, Member

Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 02nd day of February, 2015)

2. Shri Panjabrao Champatrao Mankar, r/o Padmapur Tq.Dist.Chandrapur (hereinafter referred to as, the applicant) is a rice mill owner. He is having a connection for industrial purpose. The connection no. is 451420301598. It is the contention of the applicant that he incurred expenditure to the tune of Rs.2,52,637/- to construct infrastructure to take power supply for his rice mill. As per the provisions contained in commercial circular no.43 dated 27-09-2006 issued by MAHAVITARAN, this amount is to be borne by the respondent. So he is entitle to get the refund of this amount from the respondent. He approached the local officers of the respondent. Thereafter he

approached the IGRC Chandrapur. The IGRC dismissed his application vide order passed under no.03/2013. Feeling aggrieved by the aforesaid order the applicant approached this Forum on 18-12-2014.

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.EE/O&M /Dn./CH/Tech/185 dated 09-01-2015. The case was fixed for personal hearing on 02-02-2015. Shri Panjabrao Mankar the applicant himself was present. Shri V.P. Deshpande, Additional Executive Engineer, Chandrapur Division represented the respondent. Both the parties were heard.

4. The applicant argued that he submitted an application for 50 HP connection for rice mill. The respondent sanctioned the estimate. The applicant purchased the material from licensed electrical contractor to create infrastructure to take the power supply. As per the provisions contained in paragraph 6 of the commercial circular no.43 dated 27-09-2006, the cost towards infrastructure from the delivery point on the transmission system to distributing mains is to be borne by the respondent. So the amount of Rs.2,52,637/- incurred by the applicant may be refunded back to him.

The local officers of the respondent did not give him proper guidance so he could not approach the authority immediately.

The applicant finally requested that the respondent may be directed to refund back the amount of Rs.2,52,637/- to the applicant.

5. Shri Deshpande replied on behalf of respondent. He referred to the written reply

dated 09-01-2015. Shri Deshpande argued that the estimate was sanctioned under no.SE/CH/O&M/Cir/Estt/ORC 15%/042 dated 24-09-2007. The estimate was sanctioned under ORC scheme. There is no provision under this scheme to refund the cost of infrastructure incurred by the consumer. So the applicant is not entitle for any refund.

Shri Deshpande further argued that the estimate was sanctioned on 24-09-2007. The applicant approached the IGRC Chandrapur in 2012. The applicant approached this Forum on 18-12-2014. As per the provisions contained in Regulation 6.6 of the MERC (CGRF and EO) Regulations 2006, the applicant should have approach the Forum within two years from the date on which the cause of action has arisen. So the application is barred by limitation. The respondent requested to dismiss the application.

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

Before going into the merits of the case, it is necessary to decide the issue of limitation.

The respondent sanctioned the estimate of the work executed by the applicant under no.SE/CH/O&M/Cir/Estt/ORC 15%/042 dated 24-09-2007. The applicant himself submitted some documents with his application. On perusal of the documents it is seen that one M/s D.R.Engineering Services Chandrapur issued a certificate that the firm had completed the installation of 63 KVA transformer. The certificate is dated 30-11-2007. There is one invoice issued by the same firm. The invoice is of supply of poles. The

invoice is dated 30-11-2007. This show that the material was purchased sometime in November 2007. The prayer of the applicant is that the expenditure he incurred for the purchase of aforesaid material may be refunded back. That means the cause of action arosed in 2007.

Regulation 6.6 of the MERC (CGRF and EO) Regulations 2006 reads as under,

6.6 The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.

The applicant presented instant application before this Forum on 18-12-2014. This show that the applicant approached this forum after about seven years. Naturally, the application is barred by limitation.

7. In view of the situation stated above, we pass the following order,

ORDER

- i) Application No.153 of 2014 is hereby dismissed.
- ii) The parties to bear their own cost.

Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u>	sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u>	sd/- (Vishnu S. Bute) <u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.02nd day of February, 2015)</u>		

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

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 2nd February, 2015 in Case No.153 / 2014 is enclosed herewith.

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

To,
Shri Panjabrao Champatrao Mankar,
At.Po.Padmapur Tq.Chandrapur
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.Chandrapur
2. Executive Engineer,C.C.O&M Dn., MSEDCL, Chandrapur.
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

