

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM

M. S. ELECTRICITY DISTRIBUTION CO.LTD.

(NAGPUR ZONE - RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **31** of 2006

Applicant : Shri Vithhal Harbaji Ladhi, Kochar Ward, Hinganghat
Taluka- Hinganghat, Distrit-Wardha (442301)
Phone No. 07152 - 245615

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

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

Appearance. : 1. Shri V. H. Ladhi, Applicant.
3. Shri V. R. Sonkusare, Dy.E.E.
For Non-Applicants.

ORDER

(Passed this 23rd day of June, 2006)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant submitted application in form Schedule 'A' of M.E.R.C. (CGRF&EO) Regulations, 2006 (hereinafter called 'the Regulations'). Applicant challenged the order of the I.G.R.U., Wardha in this application under Regulation 6.4 of the Regulations. He sought the relief from this Forum for shifting of L.T. line passing adjoining to his house and the damages for physical and mental harassment by the non-applicants. This application was received in this Forum on 26/5/2006. The M.E.R.C. published the present Regulations in the Maharashtra Government Gazette on 20/4/2006 and the same have come into force on that date. Thus the proceedings are under the Regulations of 2006.

On receipt of this application, the Forum issued acknowledgement to Applicant, registered the case, sent copy of application with enclosed documents to the non-applicants, called the parawise comments of non-applicants, issued notices to both the parties for hearing. This procedure is followed as required under provisions of the Regulations. The non-applicants submitted their parawise comments to the Forum on 12/6/2006. The copy of the

same was sent to Applicant alongwith notice for hearing. The Forum heard both the parties on 22/6/2006.

Applicant reiterated the grounds for relief as mentioned in the application and the enclosed statements (Record pages 2,3). Applicant had also given 3 applications to the Non-applicants on 20/1/2006, 31.1.2006 and 14/2/2006. He made the application to the I.G.R.U., Wardha in form Schedule 'X' on 10/3/2006. Applicant also submitted fresh statement of submissions on 22/6/2006 at the time of hearing. He gave in detail the background of the case and the harassment caused to him by the officers of the Distribution Licencee (for short, D.L.) and he demanded the damage for mental and financial loss caused to him by the non-applicants.

The main contention of the non-applicants is that the electricity line is passing adjoining the house of Applicant. This L.T. line is in existence prior to the construction of 2nd floor by Applicant. This issue was also discussed in the meeting of 'Urjamitra'. The non-applicants denied that the Pole No. EC 182/1 was bent due to the dash of some unknown vehicle as alleged by the Applicant. The non-applicants also gave an estimate of Rs. 3605/- to Applicant for shifting of L.T. line as required under their system. The non-Applicant also stated that Applicant failed to take proper care as required in the Electricity Act, 2003 before starting the construction of 2nd floor. Applicant should have maintained proper distance between the L.T. line and his construction but he failed to do so. The non-applicants also clarified in their parawise comments (Record Page 17) that Applicant paid the supervision charges for shifting of the said line on 10/6/2006.

At the time of hearing, Shri Sonkusare, Representative of the non-applicants submitted application dtd. 20/6/2006 clarifying that the L.T. line under grievance has already been shifted on 16/6/2006. Applicant also admitted this fact in his application dated 20/6/2006. Applicant admitted that the said L.T. line has been shifted on 15/6/2006.

In view of the above position, the Forum noticed that the present application is for shifting of said L.T. line and the same has already been shifted by the non-applicants on receipt of supervision charges. Thus there is no grievance on this count. The Applicant has also shown his satisfaction about shifting of the line. However, now his grievance is about mental and financial loss caused to him by the non-applicants by giving harassment by certain officers in the application dated 20/6/2006 (presented on 22/6/2006- Record page 30).

Shri Sonkusare has also produced copies of photographs of the said line and the house of Applicant. It is seen from the photograph that the house is in the lane, there is no scope for shifting of the whole line. However, the non-Applicants have shifted the wires of the said line to give relief to Applicant as per his grievance. Applicant also admitted before the Forum at the time of hearing that the said L.T. line was already in existence before he

purchased the said house. It is also clear from the record and the photographs that the said line is not passing over and above the house of Applicant. The whole line is passing through adjoining land and many houses are already there.

The L.T. line is already shifted to the satisfaction of the Applicant by the non-applicants, hence no grievance remains. As mental and financial loss to Applicant, there is nothing on record to show any loss as sustained by Applicant. His mere allegations on this count against certain officers can-not be taken into consideration as it is not supported by any evidence. Initially, the non-applicants requested him to pay Rs. 3605/- for shifting of the said line. However, there was a mutual understanding between Applicant and non-applicants about the payment of only 15 % supervision charges and the non-applicants agreed to shift the said line and they have done accordingly on 16/6/2006. Thus no grievance remains about the said line and, therefore, question of remedy does not arise. His claim about the mental and financial damages is also not justified and the same deserves to be rejected.

In view of above position and circumstances, the Forum pass the order unanimously as under.

O R D E R

- 1) Application is rejected.
- 2) Applicant's claim about the damages is also rejected.
- 3) There is no order as to cost.

CHAIRMAN

MEMBER

MEMBER-SECY.

CONSUMER GRIEVANCE REDRESSAL FORUM

M.S.E.D.C.L., NAGPUR ZONE (RURAL) NAGPUR.

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CGRF/NZ/R/ 121

Date: 27th June, 2006

Certified that this is the true and correct copy of the above order.

MEMBER,
C.G.R.F.(NZ-R)MSEDCL
N A G P U R

Copy to:

1. Shri V.H.Ladhi, Kochar Ward, Hinganghat, Dist-Wardha.
2. The Chief Engineer, Nagpur Zone (Rural)MSEDCL, Nagpur.
3. The Exe. Engineer / N.O., O&M Circle Office, MSEDCL. Wardha --
for information and necessary action. .
4. The E.E., C.C.O&M Dn., MSEDCL, Hinganghat. - for information and necessary action.

Address of the 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)

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