

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 75/2013

Shri Panjab Sadashiv Bhagat
At.Talodhi, Po.Mangrul
Tq.Samudrapur
District - Wardha.

Complainant

,,VS.,

1. Executive Engineer,
MSEDCL,O&M Division,
Hinganghat.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Wardha.

Respondents

Applicant represented by 1) Nobody present

Respondents represented by 1) Shri P.H.Bhagwat, Assistant Engineer, Samudrapur

CORAM:

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

JUDGEMENT

(Delivered on this 11th day of October, 2013)

2. Shri Panjab Sadashiv Bhagat (hereinafter referred to as, the applicant) is an agricultural consumer. His old consumer no. was 398230100041. Due to Lal nala project the electricity line, went under submergence. So the distribution licensee MSEDCL (hereinafter referred to as, the respondent) permanently disconnected his power supply. According to the applicant he is getting the electricity bills against this connection. The respondent also gave him a notice under section 56(1) dated 13-08-2012.

Eventhough the applicant was old consumer and his security deposit was laying the respondent, the applicant was again directed to deposit the amount of Rs.4300/-. He was again directed to produce test report. Thereafter the respondent gave him the new connection on 06-10-2011. In fact the respondent could have released the connection in 2006 also. Due to this the applicant had to suffer the damage of about Rs.50,000/- per year. The applicant may be awarded the compensation.

He approached the IGRC Wardha. His application had been dismissed vide order passed under no.SE/Wardha/Tech/IGRC/3651 dated 20-06-2013. Feeling aggrieved by this order the applicant presented this application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006.

2. A notice was given to the respondent. The respondent submitted reply under no.EE/O&M/H'ghat/Tech/4733 dated 16-09-2013. The case was fixed for personal hearing on 07-10-2013. Neither the applicant nor his authorized representative was present on the date of hearing. So presuming that the applicant had nothing to submit anything more than his application the respondent was heard. Shri P.H.Bhagwat, Assistant Engineer, Samudrapur was present for the respondent. The case is being decided on merit..

3. As per the application, the applicant is a consumer of the respondent company from 30-09-1996. Due to Lal nala project the village of the applicant was resettled to another place. Due to submergence of the project the electricity line which was giving supply to the pump set of the applicant was abandoned. So his connection was permanently disconnected in 2004. Eventhen the respondent is giving the electricity

bills for this connection. The respondent gave him the bills dated 20-10-2006, 30-01-2011, 30-01-2012 & 03-05-2012. Not only that the respondent issued him a notice dated 13-08-2012 under section 56(1) of the Electricity Act 2003. For this harassment by the respondent, the applicant may be awarded compensation.

Eventhough the applicant was the consumer of the respondent company and his security deposit was laying with the respondent. The applicant was directed to deposit Rs.4300/-. He deposited the amount on 28-01-2010. The respondent released the connection on 06-10-2011. In fact the respondent could have released the connection 2006. Due to non release of the connection by the respondent the applicant had to suffer the damages to his agricultural produce. The damage was about Rs.50,000/- per year. The applicant may be awarded the compensation.

4. In reply the respondent submitted that due to Lal nala project the electricity line which was giving a supply to the applicant went under submerge. So the line was abandoned. The electricity connection of the applicant was permanently disconnected on 30-12-2004. However inadvertently the bills are being issued to the applicant. Since the connection was permanently disconnected in 2004 the bills issued against this connection will be cancelled.

The applicant again applied for new connection. He deposited the required amount. He also submitted the test report. So the new connection was released to him on 06-10-2011.

The old connection was disconnected on 30-12-2004. The new connection was released on 06-10-2011. The applicant approached IGRC Wardha for compensation on

08-05-2013 for the first time. As per the provisions contained in Regulation 12.2 the claim for compensation is barred by limitation. So the application may be dismissed.

5. We have perused the record. we have heard the arguments advanced by the respondent carefully.

It is seen from the record that the applicant was a consumer of the respondent company since 1996. His consumer no. was 398230100041. Due to Lal nala project the electricity line which was giving supply to the pump set of the applicant went under submergence. So the respondent permanently disconnected the connection of the applicant. The respondent submitted one Xerox copy of the report. As per the report the connection of the applicant was permanently disconnected on 30-12-2004.

The applicant submitted the Xerox copy of the electricity bills. The bills are dated 20-10-2006, 31-01-2011, 30-01-2012, 03-05-2012. The applicant also submitted a Xerox copy of the notice issued under section 56(1) of the Electricity Act 2003. The respondent also admitted these facts. The respondent accepted to cancel these bills and the notice issued against the consumer no.398230100041.

It is also seen from the record that the applicant applied for new connection. He deposited the amount of Rs.4300/-. The respondent released the connection on 06-10-2011.

The respondent objected the claim of the applicant on the ground of limitation. It was stated that the claim for compensation is barred by limitation.

Proviso to Regulation 12.2 reads as under,

“Provided also that no claim for compensation shall be entertained if the same is filed later than a period for sixty days from the date of rectification of deficiency in performance standard.”

The respondent permanently disconnected the connection of the applicant on 30-12-2004. The respondent released new connection on 06-10-2011. The applicant approached the IGRC Wardha for the compensation on 08-05-2013 for the first time. We find that the applicant had not filed his claim within the period of sixty days. As such his claim is barred by limitation. So he is not entitle for any compensation

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

ORDER

- i) Application No.75 of 2013 is dismissed.
- ii) No order as to 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.11th day of October, 2013)</u>		

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

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NAGPUR – 440013

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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 11th October, 2013 in Case No.75 / 2013 is enclosed herewith.

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

To,
Shri Panjab Sadashiv Bhagat, At.Talodhi, Po.Mangrul, Tq.Samudrapur, Dist.Wardha

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.Wardha
2. The Executive Engineer,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,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670