

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

Application/Case No. CGRF/NZ/Rural/ **44** of 2007

Applicant : 1) Shri Ashok R. Maradwar
and Three Others
Mahadeopura, Near Datta Mandir, Wardha.

-- VS --

Non-applicants: 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., **Wardha**

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

Appearance. : 1. Shri Ashok R. Maradwar Applicant.
2. Shri Shyam Kakare, Representative

1.Shri A.W. Kolte, Asstt.Engineer, for N.A.
2.Shri V.M. Bhattad, Nodal Officer

ORDER

(Passed this 21th day of July, 2007)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant presented an application in form Schedule 'A' of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter called the Regulations) to this Forum on 18.06.2007.

He had approached the IGRC, Wardha under application in Schedule "X". The IGRC, Wardha sent the reply to Applicant on 26.04.2007. Being aggrieved by the reply of the IRGC, applicant made this application to this Forum.

On receipt of application, the Forum issued acknowledgement, called parawise comments of the Non-Applicants, on receipt of the parawise comments from the Non-Applicant, the copy of the same was sent to Applicant, the notices for hearing were issued and served on both the parties. The Forum heard both the parties on 16.07.2007. Thus the Forum gave fare and

reasonable opportunity of hearing to both parties in terms rules of natural justice and relevant provisions of the Regulations.

The Applicant made the grievance against the MSEDCL (for short, "Distribution Licensee") on the grounds that he suffered a financial losses of Rs.2,03,000/-. The distribution licensee failed to make the continuous supply of electricity to his electric motor pump as installed in his field. As the one phase of the 3 phases was always out of order. He could not irrigate the crops of Cotton, Tur & Halad in the months of October and November, 2006. Due to the default, he could not irrigate crops at crucial period and, therefore, suffered heavy financial losses of Rs.2,03,000/-. Applicant also submitted the detailed statement of back ground of the case and financial losses. He wants the relief from this Forum to set aside the order of IGRC, Wardha and order to make the payment of compensation of Rs.2,03,000/-.

The facts in this case in brief are that Applicant purchased the field in question from Shri Kanitkar the consumer no. is 390810454990. There is a electric motor pump in this field. He sowed crops of Halad, Tur & Cotton in June, 2006. He made various complaints to the distribution licensee from 21.10.2006 to 24.11.2006 and the same have been recorded in the relevant pages of the complaint register of distribution licensee. The Applicant also made a complaint on 24.11.2006 to the Executive Engineer (Non-Applicant record page 43). The Executive Engineer, MSEDCL, Wardha sent the reply to Applicant under his letter dated 21.12.2006 (record page 45)

At the time of hearing, the Applicant and his representative reiterated the points as mentioned in the application and enclosed statement. They have also pointed out the attention of the Forum to the News-Paper (record page 47) and the spot inspection note of Agriculture Officer (record page 49). He also relied upon the panchnama dated 26.11.2006 (record page 50). Since he suffered the heavy financial losses due to the fault of distribution licensee, he requested for the compensation as stated above.

The non-Applicants contended that Applicant is not a bonafide consumer of the Distribution Licensee as the electric motor pump meter is recorded till to-date in the name of Shri Kanitkar. There was no continuous disruption the supply of electricity. Due to technical fault, the electric supply was interrupted. However, after the receipt of the complaints from the applicant the same were attended immediately and the supply was restored. There was no continuous stoppage of electric supply to the applicant as alleged by him.

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

It is a matter of fact that the name of Shri Kanitkar is still on the record of Distribution Licensee as consumer of electricity in respect of the field in question. However, the Forum does not accept the submission of Non-Applicants that Applicant is not a authorized consumer of the distribution licensee. Section 2 (15) of the Electricity Act, 2003 gives the definition of "Consumer". This is very broad and inclusive definition. As per this definition the consumer includes "any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee". The name of the applicant is not in the record of the Distribution Licensee, he cannot be ruled out as consumer. He is a consumer of the Distribution Licensee and, therefore, has every right to approach the concerned authorities for redressal of his grievance.

Applicant wants a compensation of Rs.2,03,000/-. He relied upon the report of the Agricultural Officer and the Panchnama. The Agriculture Officer made the spot-inspection report on 08.06.2007 where as complaint of non-supply of electricity was for the period October, November, 2006. This report cannot be taken into consideration as it has been made 7/8 months after the relevant date. The Panchnama dated 26.11.2006 also cannot be taken into consideration as it is based on the version of Applicant. The Panchnama does not show that electricity supply was totally stopped. It merely says that 3 phase supply was not in operation. The question arises, whether there was a total stoppages of electric supply to this field from 21.10.2006 to 24.11.2006 ?. The Forum perused the complaint register of this relevant period. It shows that first complaint was on 16.10.2006 (page no. 16 of complaint register). It was attended on 16.10.2006 and electricity supply was started. There was also a complaint by Applicant on 21.10.2006 (page 24 of complaint register) and the same was attended to and the supply started. Thus right from 16.10.2006 to 24.11.2006, the Non-Applicant attended the complaint on the same day whenever the complaint were made and electric supply was restored and started. The Non-Applicants have also given details about the complaints and the reliefs given to Applicant in their parawise report. This shows that the Non-Applicants attended the complaint on the relevant date as per complaint register and restored the electric supply. The Forum does not find any justification in the grievance of Applicant that there was no supply of electricity to his motor pump for the relevant period as stated above. However, the Non-Applicant admitted that due to common technical fault, the electric supply was disrupted for certain period. The complaints were attended and electric supply was restored. The Forum agrees with this version of the Non-Applicants. In view of this position, the claim of compensation as made by Applicant cannot be accepted and it is ruled out.

The IGRC, Wardha should have taken up this matter with care and in detail. The IGRC should have relied upon the definition of Consumer as laid down under the Act. It insisted

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 Ashok R. MAradwar, R/o Mahadeopura, Near Datta Mandir, Wardha.
2. The Chief Engineer, Nagpur Zone (Rural) MSEDCL, Vidyut Bhavan, Katol Road, Nagpur.
3. The Nodal Officer/E.E.(Admn), Circle Office, MSEDCL, Wardha.
4. The E.E., C.C.O&M Dn., MSEDCL, Wardha 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)