

BEFORE THE CONSUMER GRIEVANCE REDRESAL FORUM
M.S.E.D.C.L.,NAGPUR ZONE-RURAL,NAGPUR

Application / Case No. CGRF/NZ/Rural/ 9 of 2005

Applicant : Shri Marotrao Fakira Zade, Vaishnav (Kapse Complex)National Highway Road , Sand Dnyaneshwar Ward At & Post, Hinganghat, Dist Wardha Pin 442301.

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

Quorum : 1.Shri N.J.Ramteke, Chairman.
2.Shri M.G.Deodhar,Member,

Appearance : 1.Shri B,V,Betal, Representative of Applicant.
2.Shri P.C.Dhanvijay, Exe.Engineer ,E.E.,H'ghat
3.Shri V.R.Sonkusare,Dy.E.E.,H'ghat
(Representatives of non-applicants.)

ORDER

(Passed this 12th Day of September, 2005)
(Per Shri N.J. Ramteke, CHAIRMAN)

Applicant presented an application in Schedule "A" to this Forum on 5-8-2005 through Shri B.V. Betal, Representative. Applicant authorized Shri Betal to represent him in this case. The main grievances of the Applicant are that he made an application for new electric connection but the same has not been provided though a period of 9 months elapsed. The Non-applicants have not given any demand note. He is under severe financial loss as his business is totally stopped for want of electric supply.

On receipt of application in Schedule "A" to the Forum acknowledgement was given to him as required under Regulation 6.6 of the MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations). The copy of the grievance application alongwith the set of papers were sent to the Non-applicants with a copy to the Nodal Officer as required under Regulation 6.7 of the Regulations. The Non-applicants were directed to submit their parawise comments as required under Regulation 6.8 of the Regulations. The Non-applicants submitted their parawise comments to the Forum under their letter dated 17-8-2005 alongwith the documents. The copy of the parawise comments with set of papers were sent to the Applicant. Notices were issued and served to the parties for hearing as required under Regulation 6.9 of the Regulations.

Applicant was present with his representative Shri B.V. Betal. Shri P.C.Dhanvijay, E.E, and Shri V.R. Sonkusare, Dy.E.E. appeared for the D.L. The Forum heard both the parties. Thus a fair and reasonable opportunity of hearing was given to both the parties in terms of principle of natural justice.

The facts in brief in this case are that Applicant purchased a tenement under Registered Sale deed dated 9-5-2002 from Shri P.H. Kapse. The complex is known as "Vaishnavi Complex", Hinganghat. The D.L. had provided electric connection to Shri P.H.Kapse and his Consumer No. was 396010169926, for Laxminarayan Lawns, w.e.f. 2-2-2003 for commercial purpose by providing 3 phase meter. Applicant had taken the connection from the meter provided by D.L. to complex owner. On complaint about the illegal connection of electric supply, the D.L. discontinued the same from 28-9-2004. Applicant made application for new connection on 8-10-2004 to the D.L.

The main contention of Applicant is that he made a application for new connection on 8-10-2004. He was in the business of electrical and watch repairs. He made an application in Form "X" to the Internal Grievance Redressal Unit, Wardha on 8-4-2005 but he did not receive any reply or relief from the Non-applicants. Applicant further contended that he made application and complaints to the Non-applicants for electric supply but in vain. He did not receive any demand note. Shri P.H. Kapse, (Building Owner) runs a marriage Hall and there are many points of electric supply for fans, halogen lights, cooler etc. Vaishnavi Complex (Owner Shri P.H. Kapse) is getting the supply from the same transformer.

The main contention of the Non-applicants is that there was no electric supply to the Vaishnavi Complex from 2002. However, individual supply was given to the Shri P.H. Kapse from 2-2-2003. The D.L. supplied 3 phase meter and from that meter Applicant receive the electric supply which is illegal and, therefore, it was discontinued on 28-9-2004. Applicant is not a consumer of the D.L. He was not given any electric supply with new connection and he was consuming the electricity illegally from the meter of the complex owner. Applicant has shown his meter reading as 01312. This shows the illegal consumption of electricity. Applicant first made application on 8-10-2004 for new connection and later on without mentioning about the new connection, he made application on 18-10-2004 for restoration of the discontinued electric supply. The D.L. replied him suitably on 26-10-2004. The transformer from where the electric supply is given to this area is fully loaded and, therefore, it is not possible to give new connection to Applicant. There is already low tension in this area and many consumers are making complaints in this regard. Without installation of new transformer it may not be possible for the Non-applicants to give new connection to the Applicant. It is a responsibility of the complex owner or tenement holders to bear the cost of new transformer. The demand of Applicant for the financial loss of Rs.1,50,000/- and other cost of Rs.50,000/- for mental tension, are not acceptable to the D.L. The allegations made by Applicant against the local Officers of the D.L. are baseless and without any substance. The allegation about the purposefully avoiding application about new connection is also baseless.

The Forum heard both the parties. Shri B.V. Betal, Representative of Applicant reiterated most of the points mentioned in his application. However, he submitted that he is ready to abide by the procedure and the rules of the D.L. If new connection is given to him. The Forum asked a specific question to the representatives of the D.L. whether the new connection can be given to the Applicant as per his application. Shri Dhanvijay, E.E. requested for grant of time to consider this matter and reply suitably to the Forum. Thus the case was adjourned for reply of Non-applicants. Accordingly, the Non-applicants submitted the reply on above question under their letter dated 5-9-2005. The plain reading of this reply dated 5-9-2005 shows that the Non-applicants are ready and in a position to give new connection to Applicant as per his application dated 8-10-2004 provided he

completes the requirements of the documents and fulfillment of the demand note in light of the technical difficulties.

In light of above circumstances, the Forum observed and came to the conclusion as follows:

As per Section 43 of Electricity Act, 2003, the D.L. should give electric connection to the owner or occupier or any premises. It means a owner or occupier can make an application for supply of electricity to his premise. In the instant case, Applicant is the owner of the tenement and, therefore, he is entitled to make an application for supply of electricity. The Forum do not agree with the Non-applicants that Applicant is not consumer and therefore cannot come for redressal of his grievance.

Applicant made an application in Schedule "X" on 8-4-2005. The Incharge of Internal Grievance Redressal Unit, Wardha fixed the case for 30-5-2005 for hearing of Applicant with the necessary documents (Record Page 8). The Incharge sent the reply to Applicant under his letter dated 4-8-2005 (Record Page 76). The Incharge stated that if the electric supply is required by Applicant he should bear the necessary charges and make an application to that effect. The Forum noted with surprise that application in Schedule "X" was made on 8-4-2005 but reply was given on 4-8-2005. In fact, the Unit was expected to give reply to Applicant within 2 months from the receipt of Form "X". The D.L. also prescribed the procedure in this regard. If it is more than 2 months, a suitable reply is to be given to Applicant, stating the reasons for delay. The Unit failed to follow this procedure. However, the procedural flaw does not come in the way for deciding the case on merits. Despite many severe allegations of Applicant about the new connection and electric supply and his continuous correspondence including with the Collector, Wardha, the mute point is about supply of new connection to Applicant. It is clear from the reply dated 5-9-2005 (Record Page 80) that Applicant should show the point of supply in the complex and D.L. is ready to give the new connection on following the requirements about new connection. The Unit incharge also replied in the same terms to Applicant vide reply dated 4-8-2005 (Record Page 76). It means, there is no technical hurdle in the way of Applicant in getting new connection for electric supply for his tenement. A specific question was raised by the Forum during the course of hearing to Shri Dhanvijay, E.E. to clarify the words "technical difficulties" as mentioned in his reply dated 5-9-2005. Shri Dhanvijay, E.E. clarified that Applicant should show the point of supply in the complex and question of No objection certificate (NOC) from the complex owner does not arise. Thus he is ready to give new connection on issuing demand note. The Forum do not find any justification in the demand of Rs.1,50,000/- as a loss to his business and Rs.50,000/- as compensation for the mental tension. Since the D.L. is ready and in a position to give electric supply to Applicant, the matter need not go further for any discussions.

In view of above circumstances and position, the Forum pass the Order as follows:

ORDER

- (1) Application is allowed.
- (2) Non-applicants to issue demand note to Applicant in terms of application dated 8-10-2004 within 10 days from the receipt of this Order on fixing point of supply by Applicant in the complex.
- (3) On payment of amount of demand note, Non-applicants should give new connection and electric supply within 30 days

- (4) The demand of Applicant about the payment of Rs.1,50,000/- and Rs.50,000/- is rejected.
- (5) The parties should bear their own cost.

CHAIRMAN

MEMBER

CONSUMER GRIEVANCE REDRESSAL FORUM (NZ-RURAL)

M.S.E.D.C.L : N A G P U R

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