

**Before Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/091/2006

- Applicant : Shri Jayanta Govindrao Nasre,
At Village – Bhishnur,
Tahsil- Narkhed,
Dist. Nagpur.
- Non-Applicant : The Nodal Officer-
-Executive Engineer,
O&M Division, Katol
representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal Forum, NUZ,
MSEDCL, Nagpur.

ORDER (Passed on 07.02.2006)

The present grievance application is filed on 13.01.2006 in the prescribed schedule “A” as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal

Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-provision of electricity connection to a pump which he proposes to install on the borewell drilled in his land at village Bhishnur, Tahsil Narkhed, Dist. Nagpur.

Before filing the present grievance application, the applicant had approached the Internal Grievance Redressal Unit by filing his complaint on 17.11.2005 under said Regulations raising therein the present grievance. The Unit, upon hearing, informed him by its letter, being letter no. 8638 dated 13.12.2005, that the request of the applicant will be considered after the applicant produces appropriate documents/certificate from the Talathi of village Bhishnur in respect of his legal possession of the land in question and also about the exact location of the borewell in this land etc.

The applicant was not satisfied with the reply given to him by the Internal Grievance Redressal Unit and hence, he filed the present grievance application.

The matter was heard by us on 06.02.2006.

Adequate opportunity was given to both the parties to make their submissions.

A copy of the non-applicant's parawise report dated 04.02.2006 on the applicant's grievance application submitted by him under the said Regulations was given to the applicant on 06.02.2006 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that he owns and possesses a portion of land comprised in survey no. 401 at village Bhishnur, Tah. Narkhed, Dist. Nagpur and that he is in legal possession of this portion of the land that has come to his share by metes and bounds. He applied to the non-applicant's Officer on 29.09.2005 for releasing electricity connection for the purpose of energization of the borewell already drilled in his share of land. However, this connection has been not sanctioned by the non-applicant on the ground that requisite documents have not been furnished showing clearly his ownership right, his possession and the exact location of the borewell in land survey no. 401.

He has produced a copy of the Certificate dated 06.01.2006 issued by the Village Talathi, Bhishnur. Relying on this certificate, the applicant contended that this Certificate amply demonstrates that he is legally and distinctly in possession of an independent portion of land from survey number 401 and also that the borewell drilled is located in this portion of land legally held and possessed by him. He, therefore, requested that the non-applicant be directed to release the electricity connection sought for by him.

The contention of the non-applicant is that the applicant did not produce appropriate documents / certificate from the Competent Revenue Authority to clearly indicate his legal possession as also the location of the borewell. The non-applicant is willing to sanction the request of the applicant provided he produces the requisite documents.

The non-applicant further contended that the land survey no. 401 admeasuring 3.43 hectors from village Bhishnur is held jointly

by as many as nine khatedars including the applicant. The extract of Village Form no. 7 / 12 of survey no. 401 does not indicate distinctly as to how much and which portion from this land is actually possessed by the applicant. Therefore, the non-applicant is insisting upon the applicant to produce appropriate certificate from the village Talathi to clarify the position.

We have carefully gone through all the submissions made before us by both the parties and also all documents produced on record by both of them.

In the instant case, the Certificate dated 06.01.2006 produced by the applicant clearly shows that the nine Khatedars including the applicant who are jointly owning the land survey no. 401 are possessing their respective shares from the land distinctly and by metes and bounds and further that the borewell drilled by the applicant is situated in the portion of land legally possessed by him.

Although it is true that the land in question is held jointly by as many as nine khatedars including the applicant, the Village Talathi's certificate clarifies beyond doubt that each one of the nine khatedars including the applicant is possessing his respective share distinctly. Hence, we are fully convinced that the present applicant holds his share in this land distinctly and that the borewell drilled falls in his share of land. Hence, there should be no difficulty for the non-applicant to grant the applicant's request subject to the applicant completing all the other requisite formalities of the non-applicant Company.

In view of above, we accept the applicant's grievance application and direct the non-applicant to register the applicant's case

for energization of his borewell and to arrange to release the electricity connection as per the procedure of the non-applicant Company after the applicant completes all the other requisite formalities

The non-applicant shall report to this Forum action taken pursuant to this order on or before 07.03.2006.

Sd/-
(M.S. Shrisat)
Member-Secretary

Sd/-
(Smt. Gouri Chandrayan)
Member

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**