

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

Case No. CGRF(NUZ)/141/2014

Applicant : Shri Shivshankar E. Jagnade,
C/o Tayyab Khan, Plot No. 26,
Gulshannagar,
Nagpur : 26.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL, N.U.C.,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 2.8.2014.

1. The applicant filed present grievance application before this Forum on 3.6.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that Electric cable is passing through his plot and creating hurdle in construction activity. Therefore he requested SNDL to shift the cable. He filed grievance

application before I.G.R.C. which was rejected. Being aggrieved by the said order he approached this Forum.

3. Non applicant denied applicant's case by filing reply dated 19.6.2014. It is submitted that applicant is not the consumer within the meaning of section 2 (15) of Electricity Act 2003 and therefore grievance application deserves to be dismissed. It is submitted that electricity wire erected on that place is since long and it is in existence since the time of M.S.E.D.C.L. At the time of first erection of the wire the applicant did not object. For shifting of the wire expenses amount is Rs. 76510/-, in case applicant expresses his willingness to bear this amount, SNDL can shift the wiring.

4. Forum heard arguments of both the sides and perused the record.

5. It is noteworthy that the applicant is not the consumer of either M.S.E.D.C.L. or S.N.D.L. Record shows that applicant is not consumer within the meaning of definition laid down under Section 2 (15) of Electricity Act 2003. Furthermore, grievance of the applicant does not fall within the definition of "Grievance" laid down in Regulation 2 (1) (c) of the said regulations and therefore on this sole ground, grievance application deserves to be dismissed.

6. During the course of arguments applicant frankly admitted that initially M.S.E.D.C.L. has installed electricity line and service wire in the year 2005. He further admitted that as per

agreement of sale in the year 2000-01 he purchased this plot. He also admitted that since 2005 up to 2012, he did not object for this wiring. Therefore cause of action arose for filing this grievance in the year 2005. According to regulation 6.6 of the said regulation the Forum shall not admit any grievance unless it is filed within 2 years from the date on which cause of action has arisen. Therefore grievance of the applicant is barred by the limitation. In our opinion, it is completely civil dispute and applicant is at liberty to approach Civil Court for alleged subject matter of the suit and this Forum has absolutely no jurisdiction to entertain such type of general complaints of entire public who are not consumer of distribution licensee. Therefore grievance of the applicant deserves to be dismissed. According to non applicant, in spite of all these technical aspects, SNDL is ready to cooperate the applicant. However cost of shifting of wire is Rs. 76510/-. If applicant pays this amount, SNDL is ready for shifting. However the applicant is not ready and willing to pay expenses of shifting. For these reasons, in our opinion the grievance application is untenable at law and deserves to be dismissed. Hence following order :-

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN