

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

Case No. CGRF(NUZ)/071/2015

Applicant : Shri Joseph Vincent Bower,
Plot No. 147, Chandranagar,
Old Pardi,
Nagpur : 08.

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

Appellant :- In person.

Respondent by 1) Shri Rody, Nodal Office.
2) Shri Dahasahastra, SNDL Nagpur.

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

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 21.5.2015.

1. The applicant filed present grievance application before this Forum on 24.3.2015 under Regulation 6.5 of the

Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that his electricity supply was disconnected from the pole at 12.00 in the midnight of 23.3.2015 and on his telephonic complaint supply was reconnected during the same night i.e. on 23.3.2015 at 2.15 a.m. He reported the matter to the police station Kalamna Nagpur on 23.3.2015 but it was directed to the applicant to approach to the appropriate Forum. Disconnection of supply on the part of S.N.D.L. was illegal. Therefore applicant approached to this Forum.

3. Non applicant denied applicants by filing reply Dt. 6.4.2015. It is submitted that supply of the applicant was never disconnected.

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

5. It is pertinent to note that applicant did not approach to Learned I.G.R.C. before filing present grievance application. Without approaching to Learned I.G.R.C. he filed present grievance application under regulation 6.5 of the said regulations. In this case, there was absolutely no urgency, no interim was claimed and there was no threatening to disconnect the electricity

supply after filing of the matter. Therefore present case does not fall within the ambit of regulation 6.5. Before filing of the present matter, it is necessary for the applicant to approach to Learned I.G.R.C. & to comply the provisions laid down under regulation 6.2 of the said regulations. As applicant did not approach to Learned I.G.R.C., present grievance application is untenable at law and deserves to be dismissed on this sole ground.

6. It is noteworthy that in grievance application, no detail particulars are properly given. It is even not mentioned in the grievance application that applicant claimed any compensation. No amount of compensation is also mentioned in the grievance application. It is true that during the course of arguments applicant claimed compensation of Rs. 2.00 lacs. However, applicant did not mention this fact in his grievance application. There is no such prayer in the grievance application. Furthermore, to claim compensation, applicant has to approach first to Learned I.G.R.C. and to comply the provisions laid down in the regulation 6.2 of the said regulations.

7. It is noteworthy that in the grievance application Para 5, applicant submitted that supply was disconnected at 12.00 a.m. in the midnight of 23.3.2015 but in the report to the police Dt. 23.3.2015 applicant submitted that supply was disconnected at 2.00 a.m. during the night. Therefore there is no consistency whether alleged disconnection took place at 12.00 a.m. or 2.00 a.m.

during the night. Report of the complainant and grievance application is contradictory with each other.

8. Needless to say there is separate police station of M.S.E.D.C.L. established at Nagpur but no report is lodged by the complainant in police station of M.S.E.D.C.L. at Link Road, Sadar, Nagpur. Kalamna police station has absolutely no jurisdiction. Furthermore, grievance of alleged illegal disconnection does not come within the ambit police as cognizable offence. There is nothing on record to show that applicant sent any application to M.S.E.D.C.L. or SNDL alleging that his supply was disconnected at any point of time, it was restored at any point of time and that he required particular amount of compensation.

9. Therefore it is necessary for the applicant firstly – he has to file application to Distribution Licensee / Franchisee describing his grievance if any, about the alleged disconnection and reconnection if any and to claim particular amount of compensation. If such application or grievance is not redressed, then secondly – applicant has to file appropriate application to Learned I.G.R.C. and to comply provisions laid down under regulation 6.2 of the said regulations. Thereafter, if alleged grievance is not redressed, then applicant is at liberty to approach this Forum afresh under regulation 6.4 of the said regulations and in that eventuality and in that case this Forum shall decide the matter independently, without being influenced by the facts and

circumstances of this matter. Hence Forum proceeds to pass following order :-

ORDER

- 1) Grievance application is dismissed.
- 2) However, applicant is at liberty to approach Distribution Licensee/Franchisee and thereafter to I.G.R.C. and even then if his alleged grievance is not redressed, he is at liberty to approach this Forum under regulation 6.4 of the said regulations and in that eventuality this Forum shall decide this matter independently & without being influenced by the reasoning and findings made by this Forum in this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN