

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/020/2005

Applicant : Shri Ramesh Narayanrao Kate
At Ayodhyanagar 24,
Avdhutnagar, Ward No. 2,
Nagpur – 440 024 represented by
his mother
Smt. Sushila Narayanrao Kate

Non-Applicant : Executive Engineer,
MSEB Mahal Division, (NUZ)
NAGPUR.

Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal Forum,
Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal Forum,
Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 24.05.2005)

The present application is filed before this Forum in the prescribed schedule "A" on 27.04.2005 as per Regulation No. 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-supply of electricity to his house despite installation of domestic electricity meter.

The matter was heard by us on 21.05.2005 when both the parties were present. The applicant was represented by his mother Smt. Sushila Narayanrao Kate who was heard by us. The non-applicant was also heard by us. Documents produced by both the parties are also perused by us.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. The non-applicant, accordingly, submitted to this Forum his parawise remarks dated 05.05.2005 on 19.05.2005. A copy of this parawise report was given to the applicant's representative on 21.05.2005 before the case was taken up for hearing and opportunity was given to her to offer her say on this parawise report also.

The applicant's representative has contended that the applicant had applied to the non-applicant for releasing electricity connection for the applicant's house on 03.03.2004. The non-applicant there-upon issued a demand note of Rs.5001/- to the applicant and this demand note amount was paid by him on 24.12.2004. This demand note is pertaining to the three rooms constructed by the applicant. The non-applicant's representative visited the house of the applicant on 12.04.2005

for the purpose of installation of electricity meter at the applicant's house and accordingly installed the meter at the applicant's house. However, supply of electricity was not commissioned by the non-applicant. The applicant's representative has produced a copy of the applicant's application dated 12.04.2005 addressed to the MSEB official in which it has been stated by the applicant that he has already paid the demand note of Rs. 5001/- on 24.12.2004 pertaining to the three rooms constructed by him and further that the construction of additional three rooms under progress and completed up to slab-level will be not be completed by the applicant for one more year. The non-applicant, on seeing the construction of additional three rooms under progress, issued additional demand note of Rs. 3000/- on 13.04.2005 to the applicant. However, the applicant has not so far paid this additional demand note amount of Rs. 3000/-. The applicant's representative has vehemently contended that since the applicant has already paid the original demand note amount of Rs. 5001/- on 24.12.2004 and since electricity meter was also installed for the purpose of supply of electricity, the non-applicant's action of demanding additional demand note amount of Rs. 3000/- is not just and proper. According to her, the non-applicant ought to have actually started the electricity supply to the applicant's house which was not done by the non-applicant. She further contended that since construction of additional three rooms undertaken by the applicant is not completed in all respects, the non-applicant was duty-bound to commission the electricity supply to the applicant's house in

view of the applicant fulfilling the obligation of payment of the original demand note amount of Rs. 5001/- pertaining to the three rooms in which the applicant's family is living. She has disputed the additional demand note amount of Rs. 3000/- on the ground that the additional construction made by the applicant is incomplete. She has further stated that the non-applicant has given electricity supply to other similarly placed consumers in this regard. She has cited names of (1) Shri Arvind Sukhdeo Kadu (2) Shri Bholenath Mishra and (3) Smt. Sunanda Shankarrao Jagade in this respect. It is the contention of the applicant's representative that although some additional construction was in progress in respect of these consumers, the non-applicant has given electricity supply to the houses for the respective completed portions of these consumers. She has further stated that the non-applicant is following different norms for similar types of consumers there-by adhering to a wrongful policy of discrimination.

The applicant has produced a copy of letter dated 09.03.2004 addressed to the non-applicant by the Avdhutnagar-II, Sudhar Kruti Samiti Nagpur in which grievance of non-supply of electricity to the consumers of Chakradhar-Swami Nagar, Ward No. 2 including the present applicant has been voiced. The applicant has also produced a copy of another application dated 04.12.2004 addressed to the non-applicant by this Committee in which it has been complained that electricity supply to the residents of Avdhutnagar -II including the present applicant has not been commissioned despite the fact that the demand

note amounts are already paid by the respective consumers including the present applicant etc. Both the applications dated 09.03.2004 and 04.12.2004 are signed by several consumers. Citing these applications, the applicant's representative stated that the non-applicant did not take any action to commission electricity supply to the applicant's house although a period of more than one year has elapsed since the date viz. 03-03-2004 on which the applicant submitted his application to the non-applicant.

The non-applicant has stated in his parawise report dated 05.05.2005 that the applicant had applied for releasing the electricity connection to his house on 03.03.2004 and there-upon a demand note dated 22.12.2004 was issued after completing the LT network erection work as there was no infrastructure of LT line. Accordingly, the applicant paid the demand note amount and also the test report on 24.12.2004. The applicant's residence was inspected before issuing this demand note. After receipt of stock of new meters, the staff was asked to release the connection in the month of April, 2005. However, it was noticed at the time of installing the meter that the applicant has constructed additional three rooms and hence additional demand note amount of Rs. 3000/- was issued as per rules on 13.04.2005. The meter was installed at the applicant's house but it was not connected to the live network. The non-applicant further contended that the applicant's house will be connected on payment of the additional demand note amount of Rs. 3000/-. The non-applicant has produced a copy of affidavit dated 04.02.2004 signed by the applicant in which it has been

stated that the applicant has constructed a pucca house of three rooms on plot number 132/33, the house number being 6649/K/132-33 in Chkradhar Swami Nagar, Ward No. II Nagpur] Referring to this affidavit, the non-applicant stated that although the applicant sought for supply of electricity for his house of three rooms, it has been noticed on inspection that this statement of the applicant was false in as much as the applicant has already undertaken construction of additional three rooms. The non-applicant added that, as per rules, the demand note amount is worked out on the basis of information given by the consumer in respect of various details of construction carried out by the applicant. In the instance case, the applicant applied for releasing electricity connection to his house of three rooms while in fact the connection was found to be sought for six rooms instead of three rooms. According to the non-applicant, the applicant exhibited dishonest intention as would be evident from his affidavit vis-a-vis the physical position on the site. The non-applicant agreed to the commissioning of electricity supply to the applicant's house after he pays the additional demand note amount of Rs. 3000/-.

On the point of affidavit dated 04.02.2004 given by the applicant, the applicant's representative admitted that such an affidavit was given by the applicant. However, this affidavit was given on 04.02.2004 while the non-applicant issued original demand note of Rs. 5001/- on 22.12.2004 i.e. after lapse of ten months' period. The applicant's representative further contended that since the non-applicant in-ordinately delayed

release of the electricity connection to the applicant's house of three completed rooms, there was nothing wrong in the applicant undertaking construction of additional three rooms.

We have carefully gone through the entire record of the case, documents produced by both the parties as also all the submissions made before us by both of them.

The applicant's grievance is that the non-applicant did not commission electricity supply to his house although he has paid the demand note amount of Rs. 5001/- on 24.12.2004 and although electricity meter was also installed at his house on 12.04.2005. It is pertinent to note that the applicant's representative has admitted that an affidavit, being affidavit dated 04.02.2004, was produced by the applicant stating there-in that the applicant has constructed a pucca house of three rooms. There is also no dispute from the non-applicant's side that the electricity meter was installed at the applicant's house. It is also an admitted position that construction of additional three rooms has been undertaken by the applicant meaning there-by that the electricity connection was sought for by the applicant for the total construction of six rooms and not for three completed rooms only in respect of which a demand note of Rs. 5001/- was issued by the non-applicant. Payment by a consumer of service line charges is one time payment to be made by the consumer. Hence it is obvious that SLC is worked out in relation to the total construction made by the consumer. In the instance case, the applicant has sought for electricity

connection only for three rooms and accordingly paid the requisite demand note amount. However, before the house of the applicant was connected by the non-applicant to the live network, it has been noticed that the applicant has constructed additional three rooms up to slab level and as such it follows that the electricity connection to the applicant's house is required for six rooms. There was, therefore, nothing wrong on the part of the non-applicant in asking for additional demand note amount of Rs. 3000/- from the applicant. The contention of the applicant's representative that the non-applicant was duty-bound to start electricity supply in view of payment of original demand note amount of Rs. 5001/- can not be accepted in view of the fact that the applicant in effect is seeking electricity connection for six rooms. Moreover, the applicant seems to have concealed the fact of construction of additional three rooms. The applicant ought to have disclosed the fact of construction of additional three rooms to the non-applicant which he failed to do.

In view of above, the applicant's grievance application cannot be accepted.

The applicant will have to pay additional demand note amount of Rs. 3000/- to the non-applicant forth-with and the non-applicant shall commission electricity supply to the applicant's house immediately after the applicant pays this amount.

A point has been raised by the applicant's representative about the discriminatory behaviour meted out to the applicant from the non-applicant's side. In that, she has complained that the non-applicant followed different norms for similarly placed electricity consumers. She has also orally disclosed names of as many as three such consumers who were allegedly favoured by the non-applicant although their cases were similar to the case of the applicant. The applicant's representative has, however, not produced before us adequate evidence to substantiate her contention. Moreover, her submission in this regard is an oral submission only. The applicant may, if he chooses to do so, make a written complaint in this respect to the Chief Engineer, NUZ, MSEB, Nagpur alongwith documentary and other proof so that the Chief Engineer can order enquiry in the matter.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**