

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

Case No. CGRF(NUZ)061/2008

Applicant : Shri Prabhakar N. Dixit
Near Dr. Murkute Hospital
Aychit Mandir Road,
Mahal,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Mahal Division, NUZ,
Nagpur.

Quorum Present : 1) Shri S.F. Lanjewar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

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

ORDER (Passed on 14.01.2009)

The present grievance application has been filed on 01.12.2008 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The limited grievance of the applicant is in respect of non-shifting of the 11KV line of the non-applicant which passing through his plot and running over the other side.

The matter was heard on 07.01.2009. Both the parties were heard by us. Documents produced by both of them are also perused and examined by us.

After receipt of the grievance application in question, the non-applicant was asked to furnish before this Forum. His parawise remarks on the applicant's grievance application in terms of the Regulations 6.7 & 6.8 of the said Regulation.

Accordingly the non-applicant has submitted his parawise remarks on 16.12.2008 before this Forum. A copy thereof was given to the applicant on the date of hearing and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that the non-applicant had laid the line. This line is passing through the plot area of the applicant. The applicant said that the plot area of Society was plotted previously before construction of line, but MSEDCL authority did not listen to the plot boundary of my plot while laying the line. When the applicant enquired regarding the shifting of line. He was asked by MSEDCL authority (non-applicant) to pay the shifting charges. Till the payment is made the line will not shifted. As per say of applicant there will be danger to the house as well as human life if the house is constructed below the overhead line, which is passing through the plot.

He has produced the following documents in support of his contention.

- 1) His application dated 08.10.2008 addressed to the Executive Engineer, Mahal Division, MSEDCL, Nagpur and application dated 21.10.2008 and dated 19.11.2008.
- 2) His application dated 24.10.2008 addressed to the JE Narendranagar Nagpur.
- 3) His another application dated 19.11.2008 addressed to the Chief Engineer, NUZ.
- 4) Letter of M/s. Shilpa Co-operative Housing Society Ltd., Nagpur dated 17.12.2008 and map of Society.
- 5) His clarification dated 27.11.2008.

He lastly prayed that the non-applicant be directed to shift the existing line from his plot area.

The non-applicant has stated in his parawise report that the complainant had purchased the plot bearing no. 172 out of Kh. No. 71/1 as per the Sale-deed dated 05.05.1983 which was admittedly the piece of land which is demarcated in plot un-authorized and illegal without having any sanction from any of the authorities, like NIT, NMC, Town Planning Authority etc, and as such the Sale-Deed in respect of the piece of land which is actually assessed to the agricultural assessment was illegal transaction.

It is also pertinent to note that the existing line was laid 10-12 years back and there was no demarcation of plots at that time. The allegation made in the application that one electric pole standing on the plot area of the applicant is being erected in order to save the expenses of MSEDCL, are false allegations. On the other hand it is

submitted that the area stands electrified taking into consideration the existing layout as shown by the office bearers of Shilpa Cooperative Housing Society. There is absolutely no question of having any malice for any individual or any deliberate intention and particularly in the absence of any legal status of the plot alleged to be of the complainant, and there being no evidence on the site road the specific boundaries of the plot.

The non-applicant therefore, deny each and every adverse allegations made in the application and in nutshell he is submitted that the applicant cannot take the basis with respect to his possession from the date of the execution of the alleged Sale-deed in the year 1983, whereas, admittedly there was change in the area of the plot of the complainant which has necessitated the execution and registration of the Correction of Sale-deed by M/s. Shilpa Cooperative Housing Society Ltd on 16.09.2008, it is clear that though the previous layout plan continued by the Society and approved by the NIT, but there is some change considering the location and the area of the plots.

The non-applicant has pertinent to mentioned that the applicant has not deliberately filed the sanction layout approved by NIT after the regularization of the layout deliberately and malafide in order to suppress the exact area and location which has changed with respect to the plot in question after its regularization, for which the regularization letter dated 25.09.2008. It is crystal clear that the independent status of the plot has been given first time legal status on 25.09.2008 only and after getting the correction sale-deed with respect to the original sale-deed executed and registered and as such the applicant has absolutely no justification to approach to this Forum

making the application or alleged grievances with respect to the action which was already taken place about 10-12 years back.

He lastly prayed that the grievance application may be dismissed.

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

The spot inspection of both the parties were done on dated 13.01.2009 and it was convinced by MSEDCL that the line is passing through the plot.

It has been stated before us by the non-applicant that a partly agree for shifting of the line which is currently passing through the plot area of the applicant but after joint visit the non-applicant were agree to shift the line from plot area and the proposal for shifting the line is fully agree by the non-applicant.

The only direction that can be given by us is that the non-applicant should complete the work within a three months period.

In the light of above the grievance application of the applicant stands disposed.

Sd/-
(S.F.Lanjewar)

Member-Secretary

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

Sd/-
(Smt. Gauri Chandrayan)

MEMBER