

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

Case No. CGRF(NZ)172/2016

Applicant : Shri Vasu K.Poyil
71, Ayyappa Nagar, Ring Rd.
Anand Nagar, Nagpur-13.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F.) NUC,MSEDCL,
NAGPUR.

Applicant :- Absent.

Respondent by 1) Shri Vairagade, EE Nodal office.
2) Shri Tekam, Nodal Office.
3) Shri Dahasahastra, SNDL Nagpur.

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

2) Shri N.V.Bansod
Member

3) Mrs. V.N.Parihar,
Member, Secretary

ORDER PASSED ON 03.12.2016.

1. The applicant filed present grievance application before this Forum on 26.10.2016 under Regulation 6.4 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 Special Civil Suit No.126/96 is decided by Civil Judge Nagpur as per ex-party judgement dated 19-12-2009. Due to that judgement

non-applicant is not providing new electricity connection therefore new residential connection should be given to him.

3. Non applicant, denied applicant's case by filing reply dated 15.11.2016. It is submitted that as per judgement in Special Civil Suit No.126/96 dated 19-12-2009. Sale deed executed in favour of the applicant is declared as illegal and invalid and applicant is directed to hand over possession of the land to Ayyappa Samajam Trust, Nagpur that he is not owner of the property. Therefore connection can not be given.

4. On the date of hearing dated 29-11-2016 applicant was absent and he did not filed any adjournment application even then case was adjourned on the next date dated 03-12-2016. But on 03-12-2016 also applicant was absent. Non-applicant was present.

5. Forum heard arguments of non-applicant and perused record.

6. There is copy of the judgement in Special Civil Suit No.126/96 decided by 5th Jt. Civil Judge Sr.Dn. Nagpur dated 19-12-2009 on record. As per this judgement of Civil Court, Suit is decreed and sale deed executed in available of applicant and other 92 persons are declared illegal and invalid. Applicant and other 92 persons are directed to hand over possession to Ayyappa Samajam Trust. Therefore applicant is not owner of the property. He did not challenge this order of Civil Court in District Court or High Court and said order is not set aside and cancelled. Therefore it is binding on the applicant.

7. Applicant is not owner of the property therefore he is not entitled for connection.

8. Furthermore matter is decided by Civil Court therefore **according to Regulation 6.7 (d) of the said Regulation. This Forum has no jurisdiction to**

entertain the matter. Grievance application deserves to be dismissed.

9. Hence forum proceed to pass the following order.

ORDER

Grievance application is dismissed.

Sd/-

(N.V.Bansod)
MEMBER

sd/-

(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-

(Shivajirao S. Patil),
CHAIRMAN