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

Case No. CGRF(NUZ)/007/2011

Applicant : Shri Washim Ahmad Khan
Shop No. 8, Railway Station Road,
NAGPUR.

Non–applicant : MSEDCL represented by
the Nodal Officer-
Civil Line Division,
Nagpur Urban Zone,
Nagpur.

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER (Passed on 05.04.2011)

This grievance application is presented by Shri. Washim Ahmad Khan, shop no. 8 Railway Station Road Nagpur on dated 24.02.2011 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.)

1. The applicant's case in brief is that the applicant had previously electric connection but it was disconnected. Security Deposit amount of the meter is due with MSEDCL. The applicant applied on many dates for return / refund the amount of security deposit but said amount is not paid to the applicant by MSEDCL. He claims that he is entitled even for interest / compensation of Rs. 5000/-. Therefore the applicant filed the present application and claimed following relief.
    a) For issuance of direction to MSEDCL to return amount of security deposit to the applicant.
    b) To award interest on the said amount till realization of the amount.
    c) A compensation of Rs.5000/- to the applicant for physical and mental tourcher, be awarded.

2. The non-applicant resisted claim of the applicant by filing reply dated 15.03.2011. It is submitted that previously applicant had filed another grievance application no. 52/2010 and it was dismissed as per order dated 27.08.2010. During the pendency of that matter applicant filed an application to disconnect his electric meter but as the matter was sub-judice before this Forum, therefore no action was taken. On dated 30.09.2010 applicant applied to Division Office. On dated 13.10.2010 applicant applied to Chief Engineer to disconnect his meter but copy of that application was not provided to Division Office and concerned D/C. On dated 14.10.2010 meter of the

applicant was permanently disconnected by MSEDCL. On dated 11.11.2010 applicant applied for permanent disconnection of the meter and refund of security deposit amount. However, applicant did not produce original receipt showing payment of security deposit to MSEDCL. If applicant produce original receipt of security deposit, then MSEDCL will immediately refund the amount and written intimation to that effect was give to the applicant as per letter with outward no. 928 dated 05.03.2011

3. It is further submitted by the non-applicant that as per order dated 20.08.2010 direction was given to representative of the applicant to produce the applicant in person but till today applicant has not appeared/ produced before the Forum. Therefore MSEDCL is confused that the security amount should be refunded to whom?. MSEDCL is ready to refund the security deposit if original receipt of that amount is produced for verification. There is no question of granting any interest and compensation.

4. At the time of hearing the matter on dated 17.03.2011 the applicant and his representative both were absent though called at several times. Shri. Gandhewar, Executive Engineer and Nodal Officer was present. He argued the matter and it was closed for order. Thereafter at about 3 p.m. representative of the applicant appeared before the Forum and sought time to produce the

applicant before the Forum. However, till today applicant and his representative both did not turn up.

5. It is noteworthy that the present proceeding is a best example for filing frivolous and vexatious application. There is a previous proceeding filed by the applicant before this Forum vide case no. 52/2010 which was dismissed by this Forum under Regulation 6.9 (a) of the said Regulations. While deciding the present grievance application, Forum had called record and proceeding of previous grievance application no. 52/2010 decided on 20.08.2010. It is noteworthy that in page no. 2 of the said proceeding the applicant himself had mentioned as under.

   "ग्राहक बेचारा मर चुका है और इसलीये उनके सगे भाई व्दारा यह अर्ज सादर किया गया है"

   It means according to previous grievance application, applicant Shri. Washim Ahmad Khan is dead and his real brother filed said application. But it is signed by Washim Khan. There is one notary affidavit produced by the applicant in that matter and in para 6 of the said affidavit it is written.

   "बाबा खान और शकील अहमद खान व्दारा यह बयान देने पर मेरे व उनके व्दारा निर्धारित प्रतिनिधी को गलत उच्चारण अथवा समझ के कारण उन्होने मुझे मृत कहा है जबकी मै जिंदा व जीवीत हु!"

6. In the order dated 20.08.2010 while dismissing previous application by this Forum and hold that,

"अर्जदार प्रतिनिधीने पुढे असेही सांगितले की अर्जदाराचा मृत्यु झाला आहे व त्यांच्या भावातर्फे सदर अर्ज दाखल करण्यात आला आहे. यावेळेस अर्जदारातर्फे दाखल केलेले कागदपत्र बघता मंचाचे असे लक्षात आले की अर्जदार मय्यत असुन सुध्दा प्रत्येक कागदावर अर्जदाराचे हस्ताक्षर आहेत. या विषयी अर्जदाराच्या प्रतिनिधीला विचारणा केली असता, अर्जदार प्रतिनिधीने मंचाला सांगितले की सर्व हस्ताक्षर अर्जदाराच्या पत्नीव्दारे करण्यात आले आहेत. परंतु सदर बाबी वर मंचाने आक्षेप घेतले की मय्यत अर्जदारातर्फे अर्जदाराच्या नावांने हस्ताक्षर करणे कायदेशिररित्या उचित नाही. तेव्हा ग्राहक प्रतिनिधीला तोंडी आदेश देण्यात आले की त्यांनी अर्जदाराच्या मृत्युचे प्रमाणपत्र व अर्जदाराच्या विज जोडणीचे वापर करणा–या व्यक्तीचे अधिकृत हस्ताक्षर मंचात दाखल करावे. तसेच मंचातर्फे ग्राहक प्रतिनिधीला भविष्यात मंचासमोर खोटया हस्ताक्षराचे कागदपत्र न सादर करण्याबाबत सक्त ताकीद देण्यात आली. अर्जदार प्रतिनिधीने आपली संमती दर्शविली व दोन दिवसात कागदपत्र सादर करण्याचे मान्य केले. तसेच मंचाला विनंती केली की सुनावणीची कार्यवाही पुढे सुरू ठेवण्यात यावी".

7. In the same order in para 7 this Forum hold that ----

"दिनांक 02.08.2010 रोजी अर्जदार प्रतिनिधीने नोटरीचे स्वाक्षरी असलेले मुद्रांक मंचात दाखल केले. या मध्ये अर्जदाराने प्रतिज्ञापत्र दिले आहे की अर्जदार प्रतिनिधीने चुकीने त्यांना मृत म्हटले आहेत. सद्यास्थितीमध्ये ते जिवीत आहे व त्यांच्या नावांने असलेल्या विद्युत पुरवठयाचा वापर त्यांचा भाऊ श्री. बाबाखान करीत आहे. तसेच मंचात सादर केलेल्या सर्व कागदपत्रांवर त्यांचे स्वतःचे हस्ताक्षर आहेत.

वरील प्रतिज्ञापत्र वाचल्यानंतर मंचाने अर्जदार प्रतिनिधीला मंचात बोलवुन तोंडी आदेश दिले होते की अर्जदाराला प्रत्यक्षरित्या पुढील २ दिवसांत मंचासमोर हजर करावे. परंतु अर्जदार प्रतिनिधीने अर्जदाराला अद्यापपर्यंत मंचासमोर उपस्थित केले नाही व त्याबाबत मंचाला कुठलीही माहिती दिली नाही. अर्जदाराला मृत घोषित करणे, नंतर कागदोपत्री जिवीत करणे व अर्जदाराला मंचासमोर उपस्थित न करणे, या सर्व प्रकारामुळे मंचाचे असे मत आहे की अर्जदाराचा मंचात गा–हाणे दाखल करण्याच्या हेतु उपद्रवकारक, क्षुल्लक आणि दिशाभुल करणारा आहे."

8. As per operative part of the order dated 20.08.2010 previous grievance application is dismissed under Regulation 6.9 (a) of the said Regulation. It is specifically provided under Regulation 6.9 (a) of the said Regulation that the Forum may reject the grievance if it is frivolous vexatious and malafied.

9. In the present matter also till today applicant did not appear before the Forum to show that he is alive. If really applicant Shri. Washim Ahmed Khan is alive, he should have produced himself in person and the documentary evidence to show that he is alive. If he is dead, succession certificate of the legal heirs / legal representative should have been produced and grievance application should have filed by legal person. But it is not done by the applicant everything is suspicious.

10. Further more applicant did not produce any document to show that he deposited original receipt of security deposit in the office of MSEDCL. Therefore this Forum is of considered opinion that the grievance application is liable for dismissed under Regulation 6.9 (a) of MERC (CGRF & Ombudsman) Regulation, 2006. Hence Forum proceed to pass the following order.

ORDER

The grievance application is hereby dismissed.

Sd/-	Sd/-	Sd/-
(Smt.K.K.Gharat)	**(Adv.Smt.GauriChandrayan)**	**(ShriShivajirao S.Patil)**
MEMBER SECRETARY	MEMBER	CHAIRMAN