

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

Case No. CGRF(NUZ)/13/2012

Applicant : Shri Chandrakant Devidas Bedarkar,
At 147, Nari Basti, Near Hanuman
Mandir, Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee)
Nagpur Urban Circle,
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 26.03.2012.

The applicant filed present grievance application before this Forum on 2.2.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant's case in brief is that the applicant being Consumer No. 410015263664 filed application to Non-applicant for New Service Connection but new service

connection has not been released to him even after payment of demand charges on 23.11.2011. Therefore, applicant filed Grievance application under regulation 6.2 of the said Regulations to I.G.R.C. but I.G.R.C. has rejected Grievance application of the applicant as per order Dt. 17.1.2012. Therefore the applicant filed present Grievance application before this Forum and requested for immediate release of new service connection so also claimed relief to take action against officer concerned and demanded the compensation of Rs. 5000/- towards harassment to him.

2. Non-applicant denied the case of the applicant by filing reply Dt. 29.2.2012. It is submitted that the applicant filed the application for release of new connection in November 2011 and paid demand note on 23.11.2011. However, after the scrutiny of the entire papers, M/s. SPANCO, Distribution Franchisee found that the applicant had not produced any documents of title, sale deed etc. or tax receipt of N.M.C. to prove his ownership of the site in which the applicant claimed new service connection. The house in which the applicant demanded new connection, previously there was a connection in the name of Shri Gajanan N. Deshmukh since 7.9.1989 for residential purpose being Consumer No. 410012121966. The said Gajanan Deshmukh did not pay the arrears of Rs. 13830/- and therefore his supply was temporarily disconnected in October 2011. Up till now, those arrears are not paid and therefore new connection can not be granted.

3. It is further submitted by the Non-applicant that the applicant did not produce any sale deed, document of title or N.M.C. tax receipt. Along with the application of the applicant dt. 7.11.2011, the applicant filed an Affidavit and in that affidavit, the applicant expressed his inability to produce these documents about ownership of the house and ownership is not established. As per the statement of Smt. Sonabai G. Deshmukh (owner of the house) Dt. 13.1.2012, she objected for releasing new connection to the applicant. As per the papers produced by the applicant, this house was previously owned by deceased Shri Waman Gajanan Deshmukh and after his death, Smt. Sonabai Gajanan Deshmukh is the owner. Application be dismissed.

4. Forum heard arguments from both the sides and perused the record carefully.

5. Along with the Grievance application also, the applicant did not produce any sale deed or document of title or even tax receipt issued by N.M.C. in the name of the applicant. The applicant produced one notice U/s 125(1) of City of Corporation Nagpur Act. However, in this notice, owner of the land is shown as Tahsildar (जमीन मालक . तहसिलदार). Furthermore, this notice can not be treated as document of title. The applicant produced one receipt issued by tax department of N.M.C. but in this receipt, Shri Vinod G. Deshmukh is shown as the owner of the house. There is also another receipt produced by the applicant on record issued by

N.M.C. for period 1.4.1999 to 31.3.2007, but the owner is shown as Waman Shrawan Kunbi. On close scrutiny of the record, it appears that there is nothing on record to show that the applicant Shri Chandrakant Devidas Bedarkar is the owner of the house. Therefore, I.G.R.C. has rightly rejected the application of the applicant by detailed lengthy order, which is well reasoned order. There is no illegality in the order passed by I.G.R.C. Therefore, there is no need to set aside it.

6. Considering the record, in our opinion, the applicant is not the owner of the site in which he demanded electrical connection and therefore the applicant even can not be the Consumer within the meaning of said Regulations and according to the provisions of Indian Electricity Act 2003.

7. For these reasons, the application of the applicant deserves to be dismissed. Hence the following order :-

ORDER

1. The Grievance Application is dismissed.

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