

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

Case No. CGRF(NUZ)/026/2007

- Applicant : Shri Suresh H. Waswani
At near Shivpanchayat Mandir,
Behind Choudhari Hospital,
Kamptee,
Dist. Nagpur.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division No. I, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 05.06.2007)

The present grievance application is filed on 08.05.2007 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 grievance of the applicant is in respect of non-shifting of electricity pole existing in the applicant's plot where the applicant has constructed a house.

Before approaching this Forum, the applicant had filed his complaint on 25.01.2006 on the same subject-matter before the Internal Grievance Redressal Cell (in short the Cell) under the said Regulations. The Cell, upon hearing & inquiry, informed the applicant by its letter, being letter no. 1281 dated 20.02.2006, that the electricity pole carrying overhead 11 KV supply line cannot be shifted unless the applicant pays the estimated cost of Rs.29,515/- prepared for the purpose of shifting of the pole. The Cell further informed that the applicant's request of providing new electricity connection for his house will be considered only after the electricity pole in question is shifted from the site. The Cell asked the applicant to deposit the cost of Rs.29,515/- It is against this decision of the Cell that the applicant has filed the present grievance application since he is not satisfied with the decision.

The matter was heard on 01.06.2007.

The applicant's case was presented before this Forum by his nominated representative one Shri Baban Gomaji Timande.

The applicant's representative contended that the applicant is prepared to make payment of reasonable charges for the purpose of shifting of the Pole. However, according to him, the estimated cost of

Rs.29,515/- worked out by the non-applicant for this purpose is excessive. He added that the estimate contains cost of two poles at the rate of Rs. 9,586/- per pole. However, there is no need of two poles as proposed by the non-applicant. Only one pole is essential & hence, cost of one pole should only be charged. Moreover, supervision charges @ 15% of the normative cost included in the estimate are also not proper and legal. He stated that the existing pole after dismantling it can be erected in the new site adjacent to the boundry of the applicant's plot. He also expressed that instead of making payment of the estimated cost which should be reasonable, the applicant should be given an option of carrying out the entire work at his own cost including the cost of labour and material and in that case, only supervision charges should be recovered at the prescribed rate. The applicant added that he has been making applications right from the year 2005 to various authorities of the non-applicant. However, the pole has not yet been shifted with the result that there is an imminent danger to the lives the applicant's family residing in the house already constructed by the applicant on the applicant's plot over which 11KV HT line is passing and in which the said pole in question is still standing. He further requested for granting immediate relief to the applicant.

The Nodal Officer i.e. Executive Engineer, O&M Division-I, MSEDCL, Nagpur presented the case of non-applicant Company. He has filed his detailed parawise report dated 23.05.2007. His submission is that 11KV line was already in existence and it was passing through the applicant's plot much before the applicant started and completed construction of his house. The applicant ought not to

have constructed the house before shifting of the pole in question. The applicant applied to the Sub-Division Office at Kamptee on 05.01.2005 with a request to shift the pole from his plot. The Junior Engineer, Yerkheda Distribution Center informed the applicant on 27.05.2007 that he has constructed house un-authorizedly below the 11KV HT line passing through the applicant's plot and the pole existed there since long past. Before constructing his house, the applicant ought to have left safe distances from the pole which was not done by him. He has thus violated the provisions of the Electricity Act and Rules. The applicant was also informed that the non-applicant will not be responsible if any accident occurs and that the applicant alone will be responsible in the event of occurrence of any such accident pertaining to the said 11KV HT line. The applicant applied for release of new electric connection for domestic purpose on 25.10.2005. The applicant, by his letter dated 03.10.2005, informed the Jr. Engineer, Yerkheda Distribution Center that he is prepared to pay the estimated cost of shifting of pole. Accordingly, an estimate amounting to Rs.29,515/- was prepared and sanctioned under Outright Contribution Scheme. The applicant there upon was given a copy of this estimate vide Jr. Engineer's letter dated 07.02.2006. Thereafter, the applicant has not deposited any payment towards this estimate till to-day. In the meantime, he approached the Cell in this respect by filing his complaint under the said Regulations. The Cell, upon inquiry and hearing, decided the matter on 20.02.2006 and informed the applicant that unless he deposits the estimated cost in question, the pole standing in the applicant's plot cannot be shifted and further that the

applicant's request for releasing new connection can be considered only after shifting of the pole in question.

While re-acting to the submissions made by the applicant's representative during the course of hearing, the Nodal Officer submitted that the supervision charges @ 15% will be reduced to 1.30% of the normative cost as per MERC's tariff order dated 08.09.2006. Moreover, if the work of dismantling of the existing pole is done by the non-applicant, credit equivalent to the depreciated cost of the pole shall also be given in the estimate. He added that two pole are necessary at the new site. In that, one 9 meter long pole shall be erected vertically at the new site and one additional pole shall be required for giving support to the pole so erected. The Nodal Officer further stated that he has no objection if the entire work is carried out by the applicant himself at his own cost but-in that case, the applicant will have to pay supervision charges to the Company @ 1.30% of the normative cost. The applicant shall also be required to do this work strictly as per specifications given in the estimated cost and the work will have to be done through a registered and authorized electrical contractor.

After considering the submissions made by both the parties, this Forum pointedly asked the applicant as to whether he is prepared to deposit the revised cost of the estimate to be prepared afresh by the non-applicant or whether he is willing to undertake and complete the work of erecting new pole at new site at his cost as specified by the non-applicant under his supervision by making payment of only 1.30% supervision charges. Thereupon, the applicant's representative stated that the applicant will consider both the options and decide himself which option he is going to avail of.

We are fully convinced that two no. of poles are essential at the new site as proposed by the non-applicant.

The applicant's contention made by him during the course of hearing that the estimated cost of Rs.7300/- is quite reasonable is not acceptable to us in view of the fact that two poles are essential at the new site as rightly stated by the non-applicant.

In the result, we direct the applicant to inform in writing his option to the non-applicant within seven days from the date of this order clearly informing him as to whether the applicant will carry out the work of shifting of pole and erection of new pole at his own cost under the non-applicant's supervision by paying 1.30% supervision charges or whether the applicant will deposit with the non-applicant the entire cost of the work including supervision charges as per the estimate to be prepared afresh by the non-applicant. The non-applicant on his part shall revise the present estimate of Rs.29,515/- in terms of submissions made by him during the course of hearing. Upon getting a consent letter in respect of option to be exercised by the applicant, further follow-up action shall be taken by both the parties in this respect.

The applicant's grievance application stands disposed off subject to above observations.

Both the parties shall report compliance of this order to this Forum on or before 30.06.2007.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

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

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**