

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

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**Case No. CGRF(NUZ)/034/2005**

- Applicant : Shri Krushnarao Namdeo Kude  
At- Village – Linga,  
Tahsil- Katol,  
Dist. Nagpur.
- Non-Applicant : The Nodal Officer,  
Executive Engineer,  
Katol Division  
Katol representing the MSEDCL.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.
- 2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

**ORDER (passed on 31.08.2005)**

The present grievance application is filed before this Forum by the applicant in the prescribed schedule “A” on 04.07.2005 as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman)

Regulations, 2003  
Regulations.

here-in-after referred-to-as the said

The grievance of the applicant is in respect of non-release of electricity connection to his house.

The matter was heard by us on 17.08.2005 and 31.08.2005. The applicant was heard by us on 17.08.2005. However, he was absent on the subsequent date of hearing viz 31.08.2005 despite due intimation to him. The non-applicant was heard by us 17.08.2005 and 31.08.2005.

After receipt of the grievance application in question, the non-applicant was asked to submit his parawise remarks on the applicant's applications in terms of Regulation No. 6.7 and 6.8 of the said Regulations. Accordingly, he submitted his parawise remarks on 18.07.2005. A copy thereof was given to the applicant on 27.07.2005 and he was given opportunity to offer his say on this parawise report also.

The applicant had earlier approached the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm) in the office of the Superintending Engineer, NRC, MSEB, Nagpur by filing his complaint before this Unit. His complaint was heard by this Unit on 21.06.2005. Upon hearing the matter, the Unit informed the applicant by its letter number 4283 dated 24.06.2005 communicating to him that the applicant should pay the amount of the demand note to be prepared under the Outright Contribution Scheme and that in the

event of the applicant paying the demand note amount and upon his submitting the requisite test report, the electricity connection sought for by the applicant would be released. Being aggrieved by this decision and the order of the Internal Grievance Redressal Unit, the applicant presented this grievance application under the said Regulations.

It is the contention of the applicant that he applied to the non-applicant for release of electricity connection to his house situated in village Linga, Talula Katol for domestic use. However, the electricity connection is not yet been released by the non-applicant. He added that the Internal Grievance Redressal Unit's Order dated 24.06.2005 is not acceptable to him because there is no provision in the Rules and Regulations enacted under the Electricity Act, 2003 in respect of any payment to be made by the consumer under the Outright Contribution Scheme. According to him, the non-applicant is duty-bound to provide electricity connection to him without asking him to pay the proportionate amount of Rs. 7,695/- of the demand note dated 04.07.2005 prepared and served upon him.

The non-applicant lastly prayed that the electricity connection sought for by him may be ordered to be released forthwith.

The non-applicant has stated in his parawise report that the applicant did apply on 12.04.2005 for the purpose of providing electricity connection for domestic use of electricity at his house. Upon receipt of this application, he caused a survey to be done of the site in question. Since provision of supply of electricity to the applicant's house entailed works of laying service line etc. from the existing pole in the area, it was necessary to prepare an estimate in this regard.

Accordingly, an estimate was prepared by him and it was sent to the Superintending Engineer concerned as he was competent to approve the estimate. An estimate for a total amount of Rs.22,780/- was approved on 01.07.2005 by the Superintending Engineer. This estimate was pertaining to a group of four electricity consumers including the applicant. Hence, each one of them including the applicant was served with the respective demand notes of appropriate amounts. In that, the present applicant was asked to pay an amount of Rs. 7,695/- on 04.07.2005. However, the applicant refused to pay this amount with the result that the non-applicant was unable to provide the electricity connection sought for by the applicant. The applicant also did not submit the requisite test report. The non-applicant has assured that electricity connection asked for by the applicant would be released as soon as the group of four consumers including the applicant pays the total amount of demand note to the non-applicant and also upon submission to him of the requisite test report.

According to the non-applicant as many as three poles are required to be erected and service line is required to be extended for enabling him to grant the request of the applicant.

The non-applicant further stated that the applicant was apprised of the above details vide his letter dated 12.05.2005. He added that the applicant refused to accept this letter.

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

The main hitch in the present case is that the applicant is refusing to agree & accept the estimate of Rs. 22,780/- prepared under

the Outright Contribution Scheme by the non-applicant. According to him, such an estimate is not necessary for the purpose of releasing electricity connection to his house.

During the course of hearing, he has also submitted that erection of three poles is not required in the present case and on the contrary, only one pole would serve the purpose. However, the non-applicant has denied this say of the applicant. It is his submission that as many as three poles are required to be erected looking to the distance between the MSEB's existing pole in the area and the applicant's house.

The applicant's contention that Regulations enacted under the Electricity Act, 2003 do not provide for payment of the charges sought to be recovered by the non-applicant is not acceptable to us in as much as Regulation number 3 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hear-in-after referred-to-as the Supply Code Regulations clearly provides for recovery of charges. Regulation No. 3.1 thereof provides that the Distribution Licensee is authorized to recover charges for the supply of electricity from any person requiring such supply in accordance with the provisions of the Act and the Supply Code Regulations. Regulation number 3.2 of the Supply Code Regulations authorizes the Distribution Licensee to recover such expenses as may be reasonably incurred by the Distribution Licensee in providing electric line for the purpose of giving supply. It also authorises a Distribution Licensee to recover charges for electricity supplied in accordance with Regulations No. 3.4 of the Supply Code Regulations. Regulation No. 3.3 empowers a Distribution Licensee to

recover expenses for giving supply to a consumer. Hence, it follows that the non-applicant in the presence case is authorised to recover expenditure required to be incurred on any works as may be found necessary. We are convinced about the fact that it is not possible to supply electricity to the applicant's house unless additional three poles are erected and the service line extended. There is, therefore nothing wrong if the non-applicant has asked the applicant to pay for the expenses amounting to Rs. 22,780/- as per the non-applicant's demand note dated 04.07.2005. The proportionate share of the applicant is worked out at Rs. 7,695/- which the applicant will have to pay. Moreover, it will not be enough if the applicant alone pays his share on Rs. 7,695/-. What is required in the instance case is the total payment of Rs. 22,780/- as rightly worked out by the non-applicant.

During the course of hearing, the applicant submitted that the village Panchayat, Linga has already given a proposal to the Chief Executive Officer, Zilha Parishad, Nagpur for sanctioning of requisite grant for the purpose of erection of poles in the locality where the applicant resides and that he may be given time to bring the sanction of the competent authority upto 31.08.2005. Accordingly, time-limit up to 31.08.2005 was granted by us and final hearing of the matter was fixed on 31.08.2005. However, the applicant remained absent on this date. It seems that the applicant may not have received the requisite sanction from the Competent Authority of Zilha Parishad, Nagpur. By taking re-course to this proposition, the applicant could have been benefited in as much as the entire expenditure as per non-applicant's demand note would, in that case, have been borne by the village Panchayat and not the non-applicant or applicant. The non-

applicant, on his part, had shown his willingness to agree to this proposition. However, the applicant has failed to produce any documentary proof to show that the village Panchayat Linga is prepared to bear the cost of extension of the service line up to the house of the applicant.

In the light of above, we are inclined to hold and do hold accordingly that the non-applicant's action of asking the group of four consumers including the applicant to pay the amount of the demand note is in tune with the legal provisions contained in the Supply Code Regulations.

Since the total amount of demand note has not been deposited with the non-applicant, the applicant's request for releasing electricity connection to him came to be rejected rightly by the non-applicant.

In the result, the grievance application of the applicant stands rejected.

Sd/-  
(Smt. Gouri Chandrayan)  
Member

Sd/-  
(S.D. Jahagirdar)  
CHAIRMAN

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

