

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

Case No. CGRF(NUZ)/037/2007

Applicant : Shri Ashok Gulbrao Bondre
At Ward No. 5, Shivnagar,
Tahsil Mouda,
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 31.07.2007)

The present grievance application has been filed on
10.07.2007 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 erroneous recovery of energy charges of Rs. 2132/- and of Rs.950/- included in his energy bill dated 14.01.2007.

Before approaching this Forum, the applicant had filed his complaints on the same subject-matter of the present grievance before the concerned Assistant Engineer of the non-applicant Company on 04.11.2006 and on 22.02.2006. In reply to his complaints, the Assistant Engineer informed one Smt. Chandrakala Chudaman Barapatre in whose name the service connection, being S.C. No. 422120020856, is standing that inclusion of Rs.2132=42 for recovery pertains to the period 2001 to 2003 as pointed out by the audit. The Assistant Engineer also informed her that as per audit report, tariff meant for residential use of electricity was wrongly applied earlier. The applicant is aggrieved by this decision by the non-applicant and hence, the present grievance application.

The matter was heard on 26.07.2007

The applicant's submission is that he is a tenant of one Smt. Chandrakala Chudaman Barapatre and that he is residing in the tenanted premises owned by Smt. Chandrakala Chudaman Barapatre since last 12 years. The consumer no. of Smt. Chandrakala Chudaman Barapatre is 422120020856. The connection is sanctioned for domestic purpose. The applicant claims to be residing in one room. He also claims that the sewing machine placed in this room was being used by him for his own purpose and not for commercial purpose. He further

contended that there was no commercial use of the said service connection at any point of time. Despite this position, according to him, an amount of Rs. 2132/- has been proposed to be recovered wrongly against this service connection in January 2006 towards commercial use of the said service connection. This recovery is pertaining to the period of two years from 2001 to 2003. He strongly submitted that the amount in question is unjust, improper and illegal.

He has requested for revoking inclusion of this amount.

In reply, the non-applicant has submitted in his parawise report and also in his oral submissions that the applicant is not the consumer of the non-applicant Company. The premises where the service connection no. 422120020856 is installed belongs to the consumer Smt. Chandrakala Chudaman Barapatre and that the applicant has not produced any evidence to prove that he is the lawful tenant of Smt. Chandrakala Chudaman Barapatre. It is also submitted by him that there is no complaint from the lawful service connection holder Smt. Chandrakala Chudaman Barapatre and as such, there is no need to take any cognizance of the present grievance application. He added that it was noticed by the internal auditor in June, 2004 that although the said connection was sanctioned for domestic use, it was being used for commercial purpose. As such, in December 2005, difference of Rs.2132/- towards the commercial use of the connection has rightly been claimed. The Jr. Engineer, Mouda, upon inspection on 16.10.2005, also found that the said connection was being used for commercial purpose.

According to him, the amount of Rs.2132/- pertains to the period of two years from 2001 to 2003 and that commercial use of the

said connection was continued up-to October, 2005. He lastly prayed that nothing wrong has happened in this case and that the grievance application may be rejected.

The basic question that needs to be decided in this case is whether the present applicant can file this application as a consumer on behalf the land-lady Smt. Chandrakala Chudaman Barapatre. The applicant claims to be the tenant of the land-lady Smt. Chandrakala Chudaman Barapatre. He has produced on record copies of some rent receipts in support of this contention. These rent receipts are seen to have been signed and issued by one Shri Shankarao Barapatre. On being asked by us, the applicant stated that Shri Shankarao Barapatre is the father-in-law of Smt. Chandrakala Chudaman Barapatre and that the rent receipts prove that the applicant is the lawful tenant of Smt. Chandrakala Chudaman Barapatre. We cannot accept this statement of the applicant. The reason is that Shri Shankarao Barapatre is neither the owner of the premises and the holder of service connection in question nor Shri Shankarao Barapatre is the legally authorized attorney of the land-lady Smt. Chandrakala Chudaman Barapatre. No other cogent evidence has been produced on record by the applicant to prove that he is the lawful tenant of the land-lady Smt. Chandrakala Chudaman Barapatre. The service connection in question is standing in the name of Smt. Chandrakala Chudaman Barapatre and as such, she was the only competent person to file such a grievance before the Forum. The present applicant cannot file such a grievance application on behalf of the land-lady Smt. Chandrakala Chudaman Barapatre without her explicit consent. Hence, we hold that the present applicant has no locus-standi to file the present grievance

application. The consumer of electricity is Smt. Chandrakala Chudaman Barapatre. The applicant cannot be treated as the consumer of the non-applicant Company in the absence of any legal proof to that effect.

In view of this position, we do not think it necessary to go into the other merits or demerits of the case.

In the result, the grievance application stands rejected.

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**