

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

Case No. CGRF(NUZ)/045/2005

- Applicant : Shri Sudhakar Pandhuragji Raut
17, Vaishnavi-Matanagar, Near
Hanuman Mandir, Pipla Road,
Post, Malginagar,
Nagpur-34
- Non-Applicant : The Nodal Officer,
Executive Engineer,
Mahal Division,
Nagpur 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 14.09.2005)

The present grievance application is filed by the applicant before this Forum in the prescribed schedule "A" on 11.08.2005 under the provision of Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The limited grievance of the applicant is in respect of non-shifting of the service line of the non-applicant which is passing through his plot and running over the house of the applicant.

The matter was heard by us on 31.08.2005 and both the parties were heard by us. Documents produced by both of them are also perused and examined by us.

After receipt of the grievance application in question, the non-applicant was asked to furnish before this Forum his parawise remarks on the applicant's grievance application in terms of the Regulations 6.7 & 6.8 of the said Regulations. Accordingly, the non-applicant submitted his parawise remarks dated 19.08.2005 before this Forum on 22.08.2005. A copy thereof was given to the applicant on 31.08.2005 and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that the non-applicant has changed alignment of the service line and as per this change, the service line is now passing through the plot area and over the house of the applicant. He had raised his protest at the time when the service line was being diverted so by the non-applicant. However, the non-applicant did not pay any attention to his protest. The MSEB officials gave false promise to him to the effect that this service line would soon be shifted. However, no action has been taken to shift the service line. According to him, there is an imminent danger to the applicant because of the over head wires of the service line running

through the applicant's plot area and over the house of the applicant. He has produced the following documents in support of his contention.

- 1) His application dated 10.06.2005 addressed to the Executive Engineer, Mahal Division, MSEB, Nagpur.
- 2) His application dated 21.07.2005 addressed to the Superintending Engineer, NUC, MSEB, Nagpur.

He lastly prayed that the non-applicant be directed to shift the existing service wire from his plot area.

The non-applicant has stated in his parawise report that the existing service line is very old and it was laid when the entire area was being used for agricultural purposes. Layout plots in Vaishnavi Matanagar, Pipla Road, Nagpur came into existence subsequently. According to him, if a consumer wants to shift the service line which is already laid earlier through his plot area, the work of shifting can be done at the cost of the consumer. Hence, in the instant case if the applicant shows the willingness to bear the expenditure in respect of shifting of the service line, the work of shifting can be undertaken by him. He further added that the applicant is not prepared to bear the expenditure in this regard.

The non-applicant further submitted that the entire service line which was laid much earlier is passing through a number of plot area and that the plot holders constructed their houses in these plots subsequently. Hence a proposal in respect of shifting the entire service line is under consideration of the non-applicant. However, the proposed

work of shifting can be done only after receipt of the requisite funds. He further stated that the shifting work cannot be done immediately.

He also argued that the applicant is responsible for constructing his house beneath the service line and hence the non-applicant cannot be held responsible for danger, if caused any.

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

The limited point involved in this case is about shifting of the service line which is passing through the plot area of the applicant where he has constructed his house. During the course of hearing, the non-applicant raised a point that this entire area including the plot area of the applicant forms part of un-authorized layouts and hence the applicant has no locus-standi to claim for shifting of the service line. We pointedly asked the applicant whether the plot held by him is authorized by the competent Planning Authority. He admitted in his reply to this question that not only his plot area but the area of other plots also held by almost all the residents of the area is un-authorized.

It is also pertinent to note that the existing service line was laid in the long past in the area in question when it was being used for agricultural purposes. The layouts of plots came subsequently. Moreover, it is clear from the admission of the applicant that he is not the authorized holder of the plot. The house constructed on this plot by him is therefore not legal as at present. Hence we hold that the applicant has no locus-standi to agitate his grievance.

It has been stated before us by the non-applicant that a full-fledged proposal of shifting of the service line which is currently passing through the plot areas of several plot holders in the area including the plot area of the applicant is under active consideration of the non-applicant.

The only direction that can be given by us is that the non-applicant should expedite finalisation of the proposal and obtain necessary funds as proposed by him as early as possible.

In the light of above, the grievance application of the applicant stands disposed off without any immediate relief to the applicant.

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**

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