

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

Case No. CGRF(NUZ)/27/2012

Applicant : Shri Wamanrao Kanhoji Bagmare,
At Panchasheel nagar,(Khobragadenagar),
Near Boring, Adarshnagar Rd, NAGPUR.

Non-applicant : Nodal Officer, (Distribution Franchisee),
The Superintending Engineer,
Nagpur Urban Circle, MSEDCL,
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 7.5.2012.

The applicant filed present grievance application before this Forum on 9.3.2012 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 has civil dispute regarding house No. 1237/B/119 with Suresh Kanhoji Bagmare. As per Judgement of Civil Court Dt. 28.2.2011, property is in possession of the applicant and owned by him. Without his permission, new electricity connection is given to Shri Suresh Kanhoji Bagmare. Therefore that connection should be disconnected and compensation of Rs. 5000/- should be given to the applicant.

2. The Non applicant denied the applicant's case by filing reply on Dt. 29.3.2012. It is submitted that there is civil dispute between the applicant and Shri Suresh Kanhoji Bagmare. Shri Suresh Kanhoji Bagmare filed regular Civil Suit No.447/07 in the Court of Joint Civil Judge, Jr. Division, Nagpur and as per order Dt. 28.2.2011 and as Shri Suresh Kanhoji Bagmare has completed all formalities for New Service Connection, non applicant had given the electrical connection. IGRC has rejected Grievance application of the applicant. Application may be dismissed.

3. Forum heard arguments of both the sides and perused the entire record.

4. Record shows that Shri Suresh Kanhoji Bagmare filed regular Civil Suit No. 447/07 against the applicant i) Shri Waman K. Bagmare, ii) Asstt. Commissioner, NMC, Nagpur and iii) Asstt. Engineer, M.S.E.D.C.L. Lashkaribagh Sub-Dn. Nagpur. In this Judgement, learned Civil Judge Jr. Division, Nagpur as per Judgement Dt. 28.2.2011 hold that

plaintiff Shri Suresh K. Bagmare has made out the case to restrain present applicant Shri Waman K. Bagmare, his family members, Agents, labours permanently from disturbing the peaceful possession over the portion marked 'A' occupied by Plaintiff with the permission of defendant No. 1 (Applicant). Therefore, the Plaintiff, Shri Suresh K. Bagmare is entitled to get relief of permanent injunction against the defendant No. 1 (applicant) till defendant No. 1 (applicant) exercises his right with due process of law. As per final Judgement, present applicant is permanently restrained from disturbing & threatening eviction of Plaintiff Shri Suresh K. Bagmare, over disputed property without due process of law.

5) Therefore, Civil Court has held in its order that defendant No. 1 (applicant) has no right to disturb the possession of Shri Suresh Bagmare. Hence there is no necessity of no objection of present applicant for issuance of New Electric Connection.

6) We have carefully perused the order passed by learned I.G.R.C., in which it is held that the applicant has no Locas Standi to file present Grievance application. In our opinion, order passed by learned I.G.R.C. is passed on sound reasoning and it is a well reasoned order. Therefore needs no interference. For these reasons, we find no substance in the present grievance application and application deserves to be dismissed. Resultantly, we proceed to pass following order.

ORDER

- 1) Grievance application is dismissed.

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

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