

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

Case No. CGRF(NUZ)/042/2007

Applicant : Shri Jaikumar Ramkrishna Gupta
At Rewadi Bazar, Itwari,
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 28.08.2007)

The present grievance application has been filed on 20.07.2007 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 non-removal of electric poles erected for the purpose of laying 11KV supply line in the piece of land owned by him without obtaining his consent.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter of the present grievance to the Assistant Engineer, Kamptee S/Dn. MSEDCL, Kamptee on 05.12.2006. A similar complaint was addressed by him on 15.12.2007 to the Executive Engineer Division-I, of MSEDCL Nagpur. The Assistant Engineer Kamptee S/Dn. of MSEDCL, in reply, informed the applicant by his letter, being letter dated 03.01.2007, that he has made a mention of Khasara No. 65/8 as belonging to him and on which, according to him, electric poles are erected. However, the map attached to this application is not showing Khasara No. 65/8 in it. The applicant in the mean-time filed a similar complaint before the Collector, Nagpur on or about 05.02.2007 in the proceeding of Lokshahi-Din. The Superintending Engineer, NRC MSEDCL Nagpur, thereupon, informed the applicant by his letter, being letter no. 1522 dated 01.03.2007, that the electric poles and 11 KV service line are erected on the 20 feet road abutting pot hisaas Nos. 1 to 7 of survey no. 65/2 and further that a partition deed has been executed by the respective owners of Pot Hissas of survey no. 65/2 by mutual consent way back in the year 1989 and this partition deed is showing this road of 20 ft as stated above. Thereupon, on 14.05.2007, the applicant addressed another similar complaint on the same subject

matter addressed to the Divisional Commissioner, Nagpur in the Lokshahi-Din proceedings before the Commissioner. This complaint has been replied by the Chief Engineer, NUZ by his letter, being letter no. 71 dated 06.08.2007, again reiterating almost the same contents in the S.E.'s letter dated 01.03.2007. The Chief Engineer has categorically stated that the electric poles and 11KV service line are laid on 20 ft. road. Being not satisfied with the replies given to the applicant by the various authorities of the non-applicant Company, the applicant has filed this grievance application under the said Regulations.

The matter was heard on 16.08.2007.

The applicant's strong contention is that the land survey no. 65/8 of Mauza Vanzra, Tahsil Nagpur belonged to his father late Shri Ramkrishna Gupta and, upon his death, he is one of the legal heirs of the deceased Shri Ramkrishana alongwith his mother, brothers and sister. He added that electric poles and service line have been laid in this piece of land without obtaining his prior permission. The MSEDCL ought to have sought the applicant's prior permission before erecting the electric poles and before laying the 11 KV service line. Hence, according to him, an illegal act has been committed by the non-applicant in this regard. He has prayed that the electric poles may be ordered to be removed from his land. In support of his claim, he has produced a measurement sheet dated 11.08.2004 prepared by the Cadastral Surveyor of Land Records Department which shows the location of various Pot hissas of survey no. 65/2. In that, an area admeasuring 0.30 hectares of Pot Hissa No.1 of survey No. 65/2 has been shown to be belonging to Shri Ramkrishana Gupta. Relying on

this document, the applicant's contention is that this official map is nowhere showing that any 20 feet road is passing through the land survey no. 65/2. He also stated that the electric supply given to M/s. Krishimitra Industry through 11 KV supply line by the non-applicant was also otherwise illegal. He added that the consumer M/s. Krishimitra Industry to whom supply is given has also not fulfilled all the required legal formalities like submission of approved layout plan, approval to construction etc.

According to him, the partition deed, a copy of which has been produced on record by the non-applicant shows that a 20 feet road is passing through the Pot Hissas of survey no. 65/2 and that this partition deed is a bogus document and that it is also not executed before Tahsildar, Nagpur. It is signed by the Executive Magistrate, Nagpur and not Tahsildar, Nagpur.

He also relied upon letter, being letter no. 1203 dated 24.11.2005, addressed to one Shri Premchand Shivprasad Gupta by the Assistant Engineer, Town planning, NIT, Nagpur in which the Assistant Engineer has stated that the land survey no. 65 is coming under Green Belt scheme as per Govt. notification dated 27.02.2004 and further that as per the revised development plan sanctioned by the Govt. on 10.09.2001, a 18 meter wide road has been proposed through Khasra No. 65. Based on this, he is challenging the contention of the non-applicant that a 20 feet road has been existing since the year 1989.

He lastly prayed that the non-applicant be directed to remove the electric poles and service line from his land survey no. 65/8.

The non-applicant, on his part, has submitted his parawise report dated 02.08.2007. He has stated in this report as well as in his written and oral submissions that electric supply has been provided on 08.02.2007 to one Shri Juned Ahemad Siddiki, Proprietar of M/s. Krishimitra Industries for his Unit. For getting supply of electricity, this consumer had filed the prescribed form "A-1", alongwith other essential documents as required by the non-applicant Company and after due verification, the supply was given. He also contended that alongwith other necessary documents a copy of partition deed referred to above was also supplied by the consumer Shri Siddiki. Thereupon, after making inquiries, an ORC estimate for providing supply to this consumer was sanctioned on 31.01.2006 by the concerned S.E. and, thereafter, erection of poles and laying of service line came to be done. This service line has been laid on 20 ft road passing through the pot-hissas of survey no. 65/2. Hence, according to him, the service line is not laid on any piece of land belonging to any private owner. He, therefore, stated that the applicant's grievance is misconceived. He has also produced on record a copy of sale-deed dated 24.08.2005 executed between one Shri Premchand Shivprasad Gupta and Juned Ahemad, Proprietor of M/s. Krishimitra. Relying on this document, his contention is that the schedule of property embodying the sale-deed clearly shows existence of a 20 ft. wide common road and then field of Shri Ramkrishana Gupta on eastern side of the

property being sold to him. He lastly prayed that there is no substance in the grievance application and the same may be rejected.

In this case, the applicant claims that he is the owner of survey no. 65/8 and that the non-applicant has laid the electric supply line by erecting poles in this land without obtaining his prior permission. The extract of village form no. 7/12 of survey no. 65/8 shows that this land is owned by Shri Ramkrishna Shivprasad Gupta. The land is a non-agricultural land admeasuring 0.31 hectares. However, the measurement sheet produced on record by the applicant is showing location of different pot hissass of survey no. 65/2. In that, it is categorically stated that pot hissa no. 1 of survey no. 65/2 admeasuring 0.30 hectares belongs to Shri Ramkrishan Gupta. The applicant on one hand claims that the electric poles and service line are erected in survey no. 65/8 while on the other hand, the official map relied upon by him is showing a different land survey no. 65/2 and its Pot Hissas. Hence, we hold that the applicant's claim is not fully and adequately justified by him. It is the submission of the non-applicant that this service line is laid on 20 ft. wide road passing through survey no. 65/2 and this 20 ft. road existed as an approach road for the pot hissass holders of survey no. 65/2. A copy of partition deed dated 18.08.1989 executed by legal heirs of pot-hissas no. 1 to 7 of survey no. 65/2 also bears signature of Shri Ramkrishana Gupta who was the father of the present applicant. It is also bears signatures of the various claimants of this partition deed. These signatures have been made before the Executive Magistrate, Nagpur. The applicant is

challenging this partition deed saying that this is a bogus document. When asked by us as to why the applicant did not challenge this partition deed of the year 1989 before any appropriate authority or Court since the year 1989, no plausible explanation was forth coming from him. Whether the document is signed before Executive Magistrate or Tahsildar Nagpur is not relevant. What is relevant is that such a document is signed by its signatories before a responsible Magistrate. It thus transpires that the electric poles are erected and service line laid through the existing 20 feet wide road.

Moreover, the applicant himself is not sure whether the service line is passing through survey no. 65/2 or survey no. 65/8. A contradiction in this regard is clearly visible in the statements made by the applicant. He stressed that survey no. 65/8 belongs to him and the service line is passing through this piece of land while the Cadastral Surveyor's measurement sheet produced on record by him in support of his claim reveals that it is survey no. 65/2 that belongs to the applicant's father and not survey no. 65/8.

The applicant also could have taken a recourse to a civil remedy before the appropriate court or authority for proving his claim of ownership of land and for proving that 20 feet road is not passing through his land or there is no 20 ft. road in existence. This Forum is unable to adjudicate upon such civil disputes for want of jurisdiction.

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.**