

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

Case No. CGRF(NUZ)/34/2012

Applicant : Shriram Natthuji Raut,
C/o Narendra Raut,
Dehankar Layout, Jankinagar.
Katol, Tq. Katol, Distt. NAGPUR.

Non-applicant : Nodal Officer,
The Executive Engineer,
(O&M) Division
Nagpur Rural Circle, MSEDCL,
KATOL.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 8.5.2012.

The applicant filed present grievance application before this Forum on 13.3.2012 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 is a consumer bearing No. 429240273680. Electric supply to Agricultural Motor Pump in the field of the applicant was failed due to failure of distribution transformer during the period 28.6.2011 to 5.10.2011. Therefore, the applicant filed the application for compensation to I.G.R.C. (S.E. MSEDCL, Vidyut Bhavan Katol Road, Nagpur) under regulation 6.2 but no compensation is given. Therefore the applicant claimed compensation of Rs. 115000/- according to MERC (Electricity Supply Code & other conditions of supply) Regulations 2005. Therefore the applicant filed present grievance application.

2. Non-applicant denied the case of the applicant by filing reply Dt. 3.4.2012. It is submitted that same present applicant filed his previous grievance application vide CGRF Case No. 15/12, Shriram Natthuji Raut Vs. M.S.E.D.C.L. before this Forum and arguments were heard in that matter on Dt. 1.3.2012 regarding another consumer number of the applicant bearing No. 429240273540 and at that time necessary documents and information was produced before this Forum.

3. Now same applicant filed this another case bearing CGRF Case No. 34/12 regarding his another agriculture pump having Consumer No. 429240273680. However, about this another agriculture pump set and another consumer number, there is absolutely no complaint or letter filed by the applicant either to complaint center Jalalkheda

Sub-Division or Division Office Katol. The applicant did not file any application to any authority that due to failure of transformer there is no supply to his agriculture pump set. It is true that due to failure of transformer, there was no supply during the period 28.5.2011 to 5.10.2011 but during that period applicant having Consumer No. 429240273680 did not file any application that there is failure of supply and therefore supply should be given or compensation should be given. If really, there would have been any loss or damage to the applicant, he would have filed a single letter or application but applicant did nothing. The applicant directly filed grievance application to I.G.R.C. showing the date 25.11.2011 but it was received in I.G.R.C. on 1.12.2011. As the applicant did not file any complaint or application till 1.12.2011, it is clear that there was no necessity of electrical supply to the applicant during the period 28.6.2011 to 5.10.2011.

4. In fact the applicant had installed electric pump set to take the water from Wardha river and this connection was taken on the bank of Wardha river. Due to fear of flood, the agriculturists including the applicant took out their pumps from the bank of the river during the rainy season period and there was no necessity of electric current to the applicant.

5. There was failure of transformer on 28.6.2011. Place of the transformer is at the distance of 20 meters from main road inside the field and therefore due to rainy season it

was not possible to replace new transformer due to natural problem. On 5.10.2011 the land under D.P. was dry and therefore another transformer was brought in the truck and supply was restored.

6. In grievance application, the applicant claimed compensation for the period July 2011 (31 days), August 2011 (30 days), September 2010 (30 days) and October 2010 (5 days) and claimed compensation for entire 24 hours @ Rs. 50/-. In fact, in September 2010 (30 days) and Oct. 2010 (5 days) electric supply was not failed because there was no failure of transformer in the year 2010. Therefore calculation of the applicant claiming the compensation for September 2010 & October 2010 is totally wrong. Further more, as per directions of MERC and schedule for load shedding there is only 8 hours electric supply in entire 24 hours per day for the agriculture pump sets. Therefore demand of the applicant is illegal. The applicant seek certain information under the provisions of Right to Information Act regarding his another Consumer No. 429240273540 and that information was given to the applicant on 2.11.2011. Therefore, the application may be rejected.

7. Forum heard arguments of both the sides at length and perused the record.

8. On careful perusal of the record, it appears that so far as applicant's Consumer No. 429240273680 is concerned, the applicant did not file any application to complaint center

at Wadvihira distribution center or at Jalalkheda Sub-Division or in the office of Division at Katol. There is nothing on record to show that during the period of failure of transformer i.e. since 28.6.2011 to 5.10.2011 the applicant filed at least any letter or any application to any authority. Not only this, record shows that since failure of transformer Dt. 28.6.2011, till filing the application to I.G.R.C. on 1.11.2011 the applicant did not file any letter or application to any officer of M.S.E.D.C.L. If really there was any need of electricity to the applicant or there would have been any loss or damage, the applicant would have filed an application at least to the wireman or any other concerned officer. But the applicant did not do so. Therefore directly filing the grievance application to I.G.R.C. either on 25.11.2011 or 1.12.2011 was untenable at law to claim compensation.

9. Record shows that the applicant filed another case before this Forum vide CGRF(NUZ) 15/2011, Shriram Natthuji Raut Vs. M.S.E.D.C.L. regarding his electrical motor pump bearing consumer No. 429240273540 and that matter was argued before this Forum as per Rojnama or order sheet in that case on Dt. 1.3.2012. That matter was heard being the final arguments on 1.3.2012 and case was closed for passing final order. It is rather surprising to note that after case No. 15/12 decided by this Forum was heard on 1.3.2012, thereafter the applicant filed present grievance application before this Forum on 13.3.2012.

10. Therefore, it appears that the present grievance is nothing but after thought created litigation by the applicant to take disadvantage of the situation of filing his earlier case No. 15/12, which was finally argued on 1.3.2012 and finally disposed off as per judgement Dt. 4.4.2012.

11. It is rather surprising to note that in earlier Case No. 15/12, the applicant filed copy of one application under Right to Information Act regarding Consumer No. 429240273540 and therefore certain information was given by M.S.E.D.C.L. as per letter dated 1.11.2011. Zerox copy of that information is produced in present case also by the applicant to take disadvantage of the situation. There is nothing on record to show that the applicant filed any application under right to information act regarding his Consumer No. 429240273680. Therefore papers in the earlier case appear to have been misused by the applicant in this matter.

12. Therefore before filing the application to I.G.R.C. either on 25.11.2011 or on 29.10.2011 or 1.12.2011, the applicant did not file any application to any officer of M.S.E.D.C.L. that there is no supply and therefore he sustained loss and supply should be restored or compensation should be paid. Therefore, without filing any application there can not be any grievance tenable before I.G.R.C. and hence the present grievance application is also untenable at law before this Forum and deserves to be dismissed.

13. Secondly, record shows that there was failure of distribution transformer during the period 28.6.2011 to 5.10.2011 but in the application to I.G.R.C. Dt. 25.11.2011, the applicant claimed compensation for September 2010 and October 2010. It is rather surprising to note that it is an admitted fact that during the entire year 2010, there was no failure of transformer and therefore claiming the compensation for September 2010 and October 2010 is illegal. Learned representative of the applicant argued before the Forum that the year 2010 is a typing error. However, we find no force in this contention of the representative of the applicant. Record shows that the applicant having another Consumer Number filed Case No. 15/12 before this Forum and it was decided as per the order Dt. 4.4.2012. Therefore, during the pendency of previous case, many villagers or agriculturists suddenly awake from sleep and now they are attempting to extract some amount from M.S.E.D.C.L., though they never applied any authority of M.S.E.D.C.L. that supply is disconnected or transformer is failed or compensation be given.

14. Now series of people appear to have filed direct application to I.G.R.C. which are definitely untenable at law. For these reasons, in our opinion, the applicant is not entitled for any compensation and the application deserves to be dismissed. Resultantly, the Forum 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.