

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

Case No. CGRF(NUZ)/41/2012

Applicant : Shri Pravin Digambar Pandav,
At Post Kharbadi, Taq. Narkhed,
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 25.5.2012.

The applicant filed present grievance application before this Forum on 2.4.2012 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 consumer number of the applicant is 429240344757 for agricultural pump set. There was failure of transformer during the period 28.6.2011 to 5.10.2011. Therefore, there was loss and

damages to the applicant. The applicant filed grievance application to I.G.R.C. on 25.11.2011 and claimed the compensation of Rs. 115000/- but no compensation is given. Therefore the applicant filed present grievance application.

2. Non-applicant denied the case of the applicant by filing reply Dt. 16.4.2012. It is submitted that applicant regarding his agricultural pump set, Consumer No. 429240344757 did not file any complaint since 28.6.2011 till filing the application to I.G.R.C. either to complaint center, Wadvihira, Sub-Division Jalalkheda or Division Office Katol. Applicant directly filed the application to I.G.R.C. on 25.11.2011 which was received to I.G.R.C. on 1.12.2011. If really, there would have been any loss or damage due to failure of supply or failure of transformer, in such circumstances, applicant was expected at least to file a simple application during the period 28.6.2011 to 5.10.2011. As there was no letter or application by the applicant, therefore it is clear that there was no necessity of electric supply to the applicant.

3. The applicant had installed pump set at the bank of river to take water from the river. During the rainy season there is always fear of flood and therefore the consumers took out the pump set installed at the bank of river in the rainy season. Therefore, there was no necessity of electric supply to the applicant during the said period. The place of the transformer is inside the field at the distance of 20 meters

from main road. Due to rainy season, it was not possible to replace the transformer. On 5.10.2011, when the land was dry, the transformer was replaced.

4. Applicant claimed compensation for July 11 (31 days), August 2011 (30 days), September 2010 (30 days) and October 2010 (5 days). Applicant claimed compensation for 24 hours every day @ Rs. 50/-. However, in September 2010 (30 days) and October 2010 (5 days) there was no failure of electric supply. Furthermore, as per the directives of M.E.R.C. and schedule for load shedding, there is only 8 hours electric supply during 24 hours and therefore entire calculation of compensation is illegal. One another villager Shri Shriram Natthuji Raut, Consumer No. 429240273540 seek an information under Right to Information Act and that information was given on 1.11.2011. That zerox copy is produced by present applicant in this matter. In fact, it has absolutely no relevance with the present case. Therefore, it is clear that the application is untenable at law and deserves to be dismissed.

5. Forum heard arguments of both the sides and perused the record.

6. Record shows that there was failure of transformer on 28.6.2011 to 5.10.2011 but during this period the applicant did not file any application either to complaint center, Wadvihira, Sub-Division Jalalkheda or Division Office Katol.

Not only this, since 28.6.2011, till filing the application to I.G.R.C. on 1.12.2011, the applicant did not file any application to any authority and thereafter directly filed grievance application to I.G.R.C. which was drafted on 25.11.2011 and posted on 29.11.2011 and received to I.G.R.C. on 1.12.2011. Therefore, as no previous application was filed by the applicant to any authority, direct grievance application to I.G.R.C. is untenable at law under regulation 6.2 of the said regulations. For these reasons, present grievance application is also not tenable at law before this Forum.

7. To make out the case before this Forum, the applicant has to prove that as there was failure of distribution transformer, the applicant filed any application to any authority that due to failure of transformer loss is sustained to the applicant and therefore transformer may be repaired urgently and supply should be restored. In the alternative, compensation should be given. If on filing such application, no relief is given to the consumer then only, the grievance application can be filed to I.G.R.C. under regulation 6.2 and thereafter to this C.G.R.F. under Regulation 6.4. can be filed. This entire procedure is lacking in the present case and hence no compensation can be given to the applicant.

8. Further more, the applicant even claimed compensation for September 2010 (30 days) and October 2010 (5 days). However, record shows that in entire year 2010, there was no failure of transformer. Hence claim of compensation for September 2010 and October 2010 is

patently illegal. Learned representative of the applicant argued that it is the typing error. However, we do not agree with this argument. It is note worthy that there is another case filed before this Forum No. 34/12, Shri Shriram Natthuji Raut Vs. M.S.E.D.C.L. and in that matter also compensation was claimed for September 2010 and October 2010. It appears that certain villagers took out a zerox copy of one application to I.G.R.C. Dt. 25.11.2011 and in all zerox applications, similar claim is demanded i.e. compensation for September 2010 and October 2010. In all zerox copies same compensation Rs. 1,15,000 claimed. One can understand typing mistake in one case, but not in various cases of one village. It is nothing but attempt to extract amount from M.S.E.D.C.L.

9. Record shows that one another matter, Case No. 15/12, Shri S. N. Raut Vs. MSEDCL, was filed before this Forum on 8.2.2012 regarding compensation due to failure of same transformer. The said matter was finally heard by this Forum on 1.3.2012 and case was closed for order. Thereafter the said applicant Shri S.N. Raut, for his consumer number filed another case bearing 34/12 on 13.3.2012 and present applicant also filed present case on 2.4.2012. It appears that the papers which were filed in Case No. 15/12 were made zerox and copies are filed by various persons by creating subsequent proceedings. Record shows that Shri Shriram Natthuji Raut sought certain information regarding Case No. 15/12 under the provisions of R.T.I. and information was provided by M.S.E.D.C.L. as per the letter Dt. 1.11.2011, but it is rather

surprising to note that the said information was made zerox and copy of the same is produced on record of this case also which is totally irrelevant to the facts of this case. There is nothing on record to show that present applicant filed any application under the provisions of R.T.I. Act and sought the information.

10. Totality of the circumstances show that one Shri Shriram Natthuji Raut of same village filed case No. 15/12, which was finally heard on 1.3.2012 and thereafter the applicant by way of after thought attempted to take disadvantage of the situation and with greedy mind filed the present application by way of after thought. In our opinion the applicant is not entitled to claim any compensation and application deserves to be dismissed. Resultantly, the Forum proceed to pass the following order :-

ORDER

1) Grievance application is dismissed.

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