

**Before Maharashtra State Electricity Distribution Co. Limited Consumer
Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, 11nd flr.
Pune-11**

Case No. 15 of 2007

Date: 7/11/07

In the matter of Shri Nana Bhausahab Dighe

- Complainant

V/S

**Maharashtra State Electricity Distribution Co. Ltd.
Kedgaon Division**

- Opponent

Corum	Chair Person	Mr. A.V.Bhalerao
	Member/Secretary,	Mrs. N.D.Joshi,
	Member,	Mr. T.D. Pore

- 1) Shri.Nana Bhausahab Dighe (Complainant for short) has filed this complaint through his representative on 29/09/07 to this Forum contending that the bill given to him on the basis of average consumption was wrong and he disputed the same. Supply of electricity was cut off and the electric wires from the pole were stolen due to which his water pump was not working and he suffered a loss as he could not cultivate his Bagayati land. He contended that the electricity bill issued to him be corrected and action should be taken against the officers of Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) (Opponent for short). He claimed compensation of Rs. 50,000/-. Before coming to this forum, the complainant had approached to Internal Grievance Redressal Cell(IGRC) on 11/4/07 with the same grievance made before this forum and claimed the relief of correction of bill, resumption of power supply and action against erring officials. Overleaf of the application made to IGRC, the complainant copied a letter contending that the electric

supply connection given to him for agricultural purpose was cut off without giving prior notice. The electric bill that was issued to him was of excess amount. He therein contended that he has not been cultivating the land for last 7 to 10 years and he had not used the water pump and to run it the electricity. He also contended that for about six to seven years before, the wires from the pole near well, were stolen and since then he has not been using the electricity.

- 2) Internal Grievance Redressal Cell gave direction to the opponent to correct the bill on verifying the fact of theft of electric wire. It also directed the complainant to produce the evidence of theft of electric wire and the correspondence made by him to that effect to Shikrapur S/Dn.
- 3) The complainant gave an additional application contending that he had been to Shikrapur S/Dn., but the employees of the opponent working in that S/Dn. avoided to issue the correct bill.
- 4) The opponent was directed to file its say. On behalf of the opponent its Asstt. Engineer, Shikrapur S/Dn. filed the written statement on 11/10/07 contending that the complainant was given electric supply for Agricultural use through a cable. The electric wires on the pole from where supply of electricity was given to the complainant, were not stolen. The connection was at a place 200 Ft. away from the opponent's main line. There might be a possibility of theft of complainant's cable, however the complainant had never made complaint of theft to the opponent. The complainant did not pay the amount of even a single electricity bill since supply of electricity was given to him for agricultural purpose.
- 5) The opponent filed additional say on 29/10/07 contending that the complainant was given supply of electricity for agricultural use and tariff applied to him was L.T. un-metered agricultural tariff and therefore complaint made by the complainant that bills were issued to him on average consumption is wrong. The supply was given to the complainant through

cable at a distance of 200 ft. from the main line. The complainant at no time made any complaint of theft of cable to the opponent. The supply connection given to the complainant is of 5HP and the said connection was given on 23/02/89. The opponent produced Consumer Personal Ledger (CPL) of the complainant. The opponent also produced photographs of the site where supply connection was given to the complainant near his well.

- 6) The argument advanced by both parties to the complaint were heard. The burden of proving the issues raised in the complaint was on the complainant and therefore complainant's representative was asked to produce evidence . He was also asked to explain the particulars stated by the complainant in the complaint as they are vague. The complaint's representative was unable to give any satisfactory explanation about the particulars put to him and also about the evidence to prove the allegation. The representative was requested to keep the complainant present so that he could throw the light upon the points in question. The complainant expressed his inability to keep the complainant present in person on the ground that the complainant was illiterate age-old person. He was asked whether the complainant has his sons. Thereupon the representative said that the complainant has three sons one working in Police Department, second a Rickshaw driver and third the Owner of the Tea Stall. The complainant's representative was unable to give satisfactory reasons and was unable to explain the points put to him and therefore 7 days time was granted to him to collect the evidence and to keep either of the complaint's sons present on the adjourned date.
- 7) The opponent's employees were asked to come with a proposal suggesting a possible relief that opponent could give to the complainant. The opponent's employees suggested that if the complainant could produce the evidence of theft of electric wire and since then continuous non-use of the electricity, they would submit a proposal to the higher authority.

- 8) On the adjourned date of hearing on 05/11/07 neither the complainant's representative remained present nor the complainant himself appear before the Forum. The complainant's representative forwarded written reply dt. 01/11/07 through Post. In the said reply instead of giving satisfactorily explanation to prove the case, he made unwanted allegation under misunderstanding against the Forum, when Forum was putting question to him to elicit the truth so that some relief could be given to complainant.
- 9) In the light of above facts, following points arise for consideration
- 1- Does complainant prove that supply of electricity to his motor Agricultural use was cut off illegally , without giving notice about 7 to 10 years before and since then he has not been using electricity?
 - 2- Does complainant prove that after supply of electricity was cut off, the electric wires on the poles from where supply was given were stolen?
 - 3- Is complainant entitled to the relief as claimed in the complaint?

The above points are answered in the negative for the reasons given below.

REASONS

- 10) The pleading in the complaint made by the complainant is as vague as it could be. The complainant has not provided the necessary particulars in his complaint to determine the points involved in the case.
- 11) The first statement made in para 5 of the complaint is that the bill prepared on average basis in a wrong manner is disputed. Second allegation is that supply connection was disconnected. Third allegation is that the electric wire on the pole were stolen. The complainant did not mention the date on which supply of electricity to his motor was disconnected. He also did not give the date on which electric wires on the pole were stolen. The complainant's representative was asked whether he has evidence to prove theft of electric wire such as a complaint made by the complainant or on his behalf to the police station or an intimation given by him to the opponent immediately after

the theft was committed. He was also asked to produce some evidence to prove that the complainant could not cultivate the land as he was deprived of supply of electricity by producing revenue extract in which record of crops raised in the land is maintained. The complainant representative was given seven days time to prove such evidence, but instead of producing evidence not only he himself remained absent but also did not ask the complainant to remain present. The complainant did not give the date on which supply of electricity to his electric motor was cut off. He also did not give the date on which electric wires were stolen, however, in his complaint application to Internal Grievance Redressal Cell printed overleaf the form he mentioned that without giving prior notice supply of electricity was cut off and he has not been cultivating the land for last 7 to 10 years. He also mentioned in the said application that six to seven years before, electric wires from the pole near his well were stolen. This Forum has no jurisdiction to admit the case for which cause of action has arisen two years next before the date of filing of the complaint. Regulation 6.6 of Maharashtra Electricity Regulatory Commission Mumbai (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 (CGRF regulation 2006 for short) says "The Forum shall not admit any grievance unless it is filed within two years from the date on which cause of action has arisen". In the instant case the complaint has been filed on 29/09/07, if the electricity supply was cut off before 7 to 10 years or electric wires were stolen before 6 to 7 years obviously, those causes of action are not within two years next before date of the filing of the complaint and on that ground alone the complaint is liable to be dismissed.

- 12) In order to find whether two years next before the date of filing of the complaint complainant was deprived of the supply of electricity, the complainant was asked to produce evidence to prove the cause due to which he could not get the supply. However the complainant remain absent and did not produce evidence. From the conduct of the complainant and his representative in not remaining present before the Forum on the adjourned

date, the only possible conclusion which could be drawn is that they have no evidence to prove the case of either disconnection by the opponent or theft of wires from the pole or the evidence asked for such as revenue extracts etc. was produced it would reveal the falsity of their case.

- 13) The opponent has produced the CPL right from the year the system of maintaining it is produced. From the contents of the CPL, it is seen that for each billing period the bill was issued and as the bills were not paid the arrears with interest were carried forward and added in the amount of energy bill for the next billing period. The opponent contended that till today the supply of electricity to the complainant's Agricultural Pump has not been stopped and therefore there was no question of giving any notice to the complainant, which is required to be given before supply is cut off. The said contention of the opponent is supported by the CPL in which there is no remark of Temporary disconnection or permanent disconnection. The C.P.L. will have to be relied upon as it is maintained by a public servant in the normal discharge of the official duty.
- 14) The complainant's allegation that there was theft of electric wire appears to be a cock and Bulls story, which can never be relied upon in the circumstances of the present case. Had there been a theft of electric wire, the complainant would have promptly made complaint to the police station or at least would have informed the opponent about such theft. Since no evidence is coming from the complainant's side, it can safely be said that the complainant's story about the theft of the electric wire is afterthought. The opponent has produced three photographs of the site taken on 27/10/2007. and an enlarged copy of one photograph to show that the electric wires from where supply connection was given to the complainant were not stolen and they are still there. The Opponent has contended that the cable was laid down from the main line to give supply of the electricity to the complainant from over the pole near his well. When photographs were taken the supply cable from the main line up to supporting pole near the well of the complainant and from there upto the well was missing. The complainant has

not produced any evidence about the theft of cable through which exclusively to him supply was given. He did not even inform either Police or the opponent immediately after such theft was committed. The photographs of the complainant's well show that the well is full of water. The complainant contended that his land remained fallow for last 6 to 7 years but has not produced any evidence to prove it. All these circumstances taken together impelled us to draw the only conclusion that the complainant's case is false.

15) The complainant's allegation that bills were given to him on average basis is without any substance. The supply of electricity given to the complainant for agricultural use is un-metered. According to the tariff the bill is prepared not on the basis of units consumed recorded by the meter but it is at the fix rate per HP per month. It appears that the complainant's representative without doing any homework made pleading in the complaint which are unbelievable unacceptable and without any basis.

16) It is worth noting that the supply connection was given to the complainant on 23rd Feb-1989, however he did not pay since then a single paisa for the electricity used by him. The complainant's case as to from what date he did not use electricity is not consistent. Once he says that only for the first six months he could use the electricity and thereafter supply of electricity to his motor was cut off without notice. He in his letter to opponent makes out a case that about 10 years before the supply was cut off means he must hence used the electricity for a period from 1989 upto 1997. Having used electricity he did not pay a single electricity bill. It is strange that if his supply was cut, he did not make any effort to resume the supply by making application/complaint to the opponent. His conduct in not making complaint to the police even though the cable through which supply was exclusively given to him was stolen is unbelievable. It is equally unbelievable that he did not even inform the opponent about such theft of cable. It appears that the complainant is putting forth a false story to have supply of electricity without paying the arrears due from him. The opponent has not cut off the supply of electricity to the complainant and has regularly shown the arrears as

recoverable in every next bill and therefore the opponent is entitled to recover the arrears as shown in the CPL for the month of March-2007.

ORDER

The complaint/Grievance is dismissed.

The complainant to pay the opponent the net bill amount of Rs. 63,996.26 as shown in the C.P.L. for the month of March-07 in addition to the bill for the period from March-07 till 29/09/07 the date of filing complaint to this Forum calculated according to the present tariff on or before 15/12/07. If the amount as shown above is not paid by the complainant, the opponent to proceed to cut off the supply of electricity strictly following the provision contained in Sec.56 of The Electricity Act-2003 .

Sign:

Mrs. N.D.Joshi,
Member/Secretary

Mr. T.D.Pore,
Member

Mr. A.V. Bhalerao
Chair Person

Date: 07/11/07