

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

**Case No. 06 of 2010**

**Date: 05/04/2010**

**In the matter of Mr. D.L.Patel**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Shivajinagar Division**

**- Opponent**

**Quorum**

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. L.G.Sagajkar

Member

Mr.Suryakant Pathak

- 1) Shri. Damodar Lalji Patel, (Complainant for short) made a complaint to this forum contending that Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short), by making an encroachment upon his land Sr.No. 24/4B situated at Balewadi erected a transformer. He claimed the relief of mandatory induction to direct the opponent to remove the transformer and also claimed vacant possession of the encroached portion of his property.
- 2) The complainant first approached Internal Grievance Redressal Cell (IGRC) but IGRC did not give any relief to him.
- 3) The opponent filed its say and contended that the double pole structure i. e. 22KV Balewadi feeder was installed at the location about 20 years back at which time no one had raised any objection further when transformer

was installed on the pole structure in the month of June-08 no one had taken any objection and therefore complainant's complaint be dismissed.

- 4) On the date of the argument both parties were heard.
- 5) On going through the record and hearing the arguments following point arises for consideration.
  - 1) Whether this forum has jurisdiction to entertain the complaint?

The above point is answered in the negative for the reasons given below.

### **REASON**

- 6) **POINT NO-1 :-** The complaint can be made to this forum by the consumer only. The word consumer has been defined under Sect.2 (15) Elect. Act-2003 as a person who is supplied with electricity for his own house by the licensee and includes any persons whose premises are for the time being connected for the purpose of receiving electricity. In the instant case the complainant has not made a complaint in the capacity as a consumer but he has made a complaint in the capacity as owner alleging that the opponent made encroachment upon his land. The said dispute is not a grievance as defined in Reg. 2.1 (c) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2005 (MERC CGRF Reg. 2006) The complaint does not involve any question of fault in perfection short

coming or inadequacy in the quality nature and manner of performance which has been under taken to be perform by the opponent as against that the question involved is of title. This forum has no jurisdiction to decide a question of title. The competent court to decide such question is civil court and therefore this forum cannot entertain the complaint made by the complainant.

### **ORDER**

The complaint stands dismissed.

Sign:

Mr. L.G.Sagajkar,  
Member/Secretary

Mr.Suryakant Pathak  
Member

Mr.A.V. Bhalerao  
Chair Person

Date: 05/04/2010