

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

Case No. CGRF(NZ)/12/2018

Applicant : Shri Rinku Raju Tembhone,
H. No. 401/B, Pardeshipura,
Gaddigodam, Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F), NUC, MSEDCL, Nagpur

Applicant represented by : 1) Shri. Sunil Jacob,

Non-applicant represented by: 1) Shri N. Vairagade, Ex.Engineer, MSEDCL.
2) Shri Dahasahastra, SNDL, Nagpur.

Quorum Present : 1) Shri Vishnu S. Bute,
Chairman.
2) Shri N.V.Bansod,
Member
3) Mrs. V.N.Parihar,
Member Secretary.

ORDER PASSED ON 23.03.2018

2) Shri Rinku Raju Tembhone, (hereinafter referred to as, the applicant) presented this application under the provisions of Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006. The applicant applied to the SNDL Nagpur for new domestic electricity connection. The SNDL (hereinafter referred to as the non applicant) rejected his application on the following grounds, (i) RCCB not OK (ii) The occupancy/completion certificate not produced without OC/CC Hon. High Court restrained the non applicant to release the connections.

The applicant approached the IGRC. The IGRC ordered the non applicant to issue a demand note. So also directed the applicant to produce OC/CC. Feeling aggrieved by this order the applicant approached this Forum.

3) The non applicant submitted written reply. On 20.03.18 Shri Sunil Jacob, a representative was present for the applicant. Shri Vairagade, Nodal Officer, MSEDCL and Shri Dahasahastra represented the non applicant. Both the parties were heard.

4) Sunil Jacob argued that the non applicants rejected the connection on four grounds. The applicant is residing in a slum area. No OC or CC is required there for electricity supply. After the order of the IGRC the non applicant issued a demand note. However they asked for the security deposit of Rs.2000/-. In fact as per the load the security deposit should be of Rs.1000/- only. Shri Jacob lastly stated that the applicant installed RCCB and earthing properly. As such the non applicants may be directed to release the connection immediately.

5) In reply Shri Dahasahastra stated that the applicant has not produced any documentary evidence, showing that he is exempted from giving OC/CC. The non applicant also agreed to refund the excess amount of security deposit, if the applicant deposited it. The non applicant stated that they will carry out a joint inspection to verify whether proper earthing is there and the RCCB is installed.

6) After the arguments were over the Forum discussed the case among the members. The Chairman and the Member Secretary were of the opinion that the applicant is not entitled for any relief / compensation. The non applicant already agreed to refund the excess amount of security deposit, if any. However the Member CPO expressed his intense desire to give a dissenting note. The note reads as under.

7) Separate note by Member (CPO) Mr. N. V. Bansod in Case No. 12/2017 on 23-03-2018

We heard the arguments on 20-3-2018 & I perused all the papers on record.

(1) The grievance of the Applicant is regarding New Elect. Connection & reduce excess amount of Rs.1000/- in demand note i.e. Rs.2082/- dated 13-1-2018 and requested for compensation of Rs.5000/- due to physical, mental & economical harassment.

The grievance before IGRC vide application dated 2-1-2018 was for New Electric Connection alongwith any benefit as per principle of natural Justice due non receipt of demand letter and rejection of application by Non Applicant vide letter dated 11-10-2017.

(2) IGRC observed "as per MERC's SOP Regulations 2014, the demand note has to be issued even if the application is not complete". Since occupancy/completion certificate issued by NMC/NIT is not submitted by the applicant, his application is incomplete. IGRC ordered to issue demand on 12-1-2018 and demand was issued on 13-1-2018 for Rs.2082/- but applicant said the security deposit should have been Rs.1000/- only instead of Rs.2000/- and did not pay the same.

(3) During arguments representative of Non Applicant Mr. Dahasashtra agreed that it should have been Rs.1000/- & ready to correct demand if order is passed by forum.

(4) The issue of excess security deposit demand is consequential to new Electric Connection as per order of IGRC dated 12-1-2018 and cannot be segregated but it is in continuation.

I am of the firm opinion that no harm will cause to Non Applicant if the corrected Demand Note including security deposit of Rs.1000/- is issued and paid by Applicant and release the New Connection on submission of occupancy/completion certificate as per order of Hon'ble High Court in PIL No. 70/2017 and order of IGRC does not require any interference. Applicant has not made out the case for compensation as per Reg.8.2 (C)(E) of MERC (CGRF & EO) Regulation 2006 and does not deserve any consideration. Hence the application deserves to be allowed.

ORDER

1) Non applicant is directed to issue corrected demand note with correct security deposit i.e. Rs.1000/- within 7 days.

**Naresh Bansod
Member (CPO)**

8) We have perused the note. The non applicant already agreed to refund the excess amount of the security deposit if any, to the applicant.

9) We have perused the record. We have heard the arguments of both the parties.

Hon. High Court, Mumbai, Nagpur Bench Nagpur in PIL No. 70/2017 on 31-08-2017 ordered the MSEDCL/SND Ltd. Nagpur not to give power supply to any tenement/apartment/structure without OC/CC issued by NIT/NMC. In the case in hand the applicant has neither produced the CC/OC nor produced any documentary evidence showing that he is exempted. So the non applicant's action is proper. The applicant is not entitled for connection till he produce OC/CC from the competent authority.

The non applicant already agreed to refund the excess amount of the security deposit.

If the applicant comply all the requirements the non applicant may again carryout the joint inspection to verify the RCCB and the earthing.

In view of the aforesaid discussion the applicant is not entitle for any compensation.

10. So we pass the following order by majority.

ORDER

1. Application partly allowed. The non applicant shall refund the excess amount of security deposit within thirty days.
2. Request for compensation dismissed.
3. Order passed by the IGRC in Case No. 1/2018 on 12-1-18 is hereby confirmed.

Sd/-
N.V. Bansod
MEMBER

Sd/-
Mrs.V.N.Parihar
MEMBER SECRETARY

Sd/-
Vishnu S. Bute,
Chairman