

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No. 43/2018**

**Date of Grievance : 17.07.2018**

**Hearing Date : 06.09.2018  
25.09.2018**

**Date of Order : 02 .11.2018**

**In the matter of shifting of transformer.**

Shri. Amit Harishchandra Shinde,  
At Chandoh, Post - Pimpalkhed,  
Tal. Shirur, Dist. Pune

.... **Appellant**

VS

The Executive Engineer,  
M.S.E.D.C.L.  
Manchar Division  
Pune.

.... **Respondent**

**Present during the hearing:-**

**A] - On behalf of CGRF, Pune Zone, Pune.**

- 1) Shri. A.P.Bhavathankar, Chairman, CGRF, PZ, Pune
- 2) Mrs. B.S.Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr. Anil Joshi, Member, CGRF, PZ. Pune.

**B] - On behalf of Appellant**

- 1) Shri. Amit N. Shinde

**C] - On behalf of Respondent**

- 1) Shri.P.S.Khandekar, EE, Manchar Dn.
- 2) Shri.S.W.Talape, DyEE, Manchar Sub/dn.

Consumer No. 184552421071. B.U. No. 5819. The complaint for shifting of transformer situated in Gat No.39/1, owned and possessed by consumer together with misbehavior of Respondent Utility Officials with his mother, and compensation for loss of crop due to burn out of fire incident dated.26.3.2016. Above named consumer made complaint earlier on 26.3.2015 informing about incident of fire of his crop in his field Gat No.39/1, situated at Chandoh, Tal. Shirur, Dist. Pune due to his short circuit incident taken place in the transformer area of DP installed by utility.

This consumer initially filed FIR in Shirur Police Station which is registered as OT No.182016. Chandoh Police Station made investigations, recorded statement of complainant and other units, prepared panchanama and filed report. Thereafter consumer approached to the utility office and claimed compensation for the burn of his crop. Consumer also approached to Gandhi Tanta Mukti Yojana and made complaint to the Authority. After receiving the complaint the Respondent Utility Official had taken proceedings of enquiry in the incident. The matter is investigated, evidence and documents were collected by visiting to the premises. Accordingly the proposal of burn compensation Rs.15000/- is in progress.

Thereafter consumer approached to the MSEDCL authority at Sub/station Chandoh on 10.4.2018 and made complaint for claiming compensation of Rs.15000/- and prayed for taking appropriate action for misbehavior by official. Accordingly IGRC registered the Case vide No. 6/2018 and gave notice to the Respondent Utility official. Respondent Utility official submitted their says and mentioned that transformer installed at HT & LT line on the said location is prior to 20 to 25 years. Since the installation of transformer HT & LT Line, earlier owner did not take any objection. Therefore the line and transformer was installed. Thereafter due to the incident of fire of transformer location loss to the crop sustained by the consumer for which he had already made complaint to the Respondent and proposal of payment of compensation proceedings is in progress. Thereafter this consumer Shri.Amit H.Shinde made application for disconnection of unauthorized connection situated in the transformer to which Jr.Engineer, Nirgudkar was asked to make inspection and prepare the report and the matter was referred to legal opinion according to the utility. The detail of Gat No.DTC/HT Line was investigated, IGRC gave opportunity of hearing on 10.5.2018 to both the consumer and utility. On dated 11.6.2018, IGRC passed order partly in favour of consumer giving direction to utility to make enquiry to the incident of misbehaving and amusing to the mother of consumer and find out guilt of the employee. IGRC also had given directions to SDO, Manchar Sub/dn. and advised for revised the permission from consumer situated on the transformer at site and gave findings is that if owner Shri.Amit H.Shinde fails to give consent. The action should be taken as per Rule. IGRC further directed to make survey of HT and LT Line for shifting of DTC and advice the shifting to be carried out as per proposal of 1.3 DDF Scheme should be applicable, if the applicant filed application and relevant documents as per Regulations. Being

dissatisfied with the order of IGRC, the consumer approached to the Forum and filed complaint for shifting of transformer and claiming compensation for the incident of burning his crop. Consumer also prayed for compensation for illegal acquiring of his land and giving unauthorized connection to the other consumers on this transformer without his permission. Consumer filed copy of application earlier given to the authority of land acquisition, Sarpanch Grampanchayat Chandoh, Tanta Mukti Samiti reported Tahsildar and copy of letter of Legal Advisor Pune. Consumer filed document of sale deed, copy of Index, Copy of measurement map and all other relevant documents and correspondence made by him was the Respondent Utility and other Govt. Authorities. Since the incident is reported earlier to the Respondent Utility official for claiming compensation want after filing the complaint in Form No. A. This office registered the case No.43 of 2018 notice was issued to the Respondent Utility Official. After service of notice dated 25.7.2018, Respondent Utility appeared and filed reply on 28.8.2018. Respondent Utility submitted that Gat No.39/1, admeasuring 4 Hector 22 R. The Respondent Utility official installed 9 transformers and 34 poles. The said Gat is situated in the bank of Ghodnadi and agricultural connection is installed as per demand of consumers and which was connected after following due procedure and service was provided to the agricultural consumer as per provision of Indian Electricity Act 1948 and Telegraph Act 1885 and the provision of Indian Electricity Act-2003. The work of installation of transformer and process of giving supply to the agricultural consumers after obtaining consent of Gat No.38 owner and 39/1 since last 20 to 25 years. Respondent Utility submitted that the complaint is made by the consumer without giving any details of installation of transformer and electric pump connecting to the said transformer and connection Ghodnadi river bank many agricultural consumer used by installation of Agricultural Pump. The complaint is made after the incident of unfortunate burn of crop due to short circuit taken place on 26.3.2016. The Respondent Utility submitted that the work of installation of transformer and giving supply to agricultural consumer was taken back to 20 years. Therefore now consumer raised objection at subsequent stage. There is inordinate delay as consumer made application in 2016 which is time barred and cannot be entertained by this Forum. The Respondent Utility submitted that compensation claimed by the consumer due to effect of transformer short circuit taken place and it is continued for the period 26.3.2016 to 27.3.2018. Consumer not gave any proof nor submitted any document. The application is given after laps of 16 years which is time barred. Respondent Utility further submitted that

consumer submitted that the land situated 3 Acres & 20 R occupied by the transformer and 34 poles situated in the premises due to which consumer was unable to cultivate the said land and there is loss of crop. The consumer claimed compensation without giving any details. However separate complaint made for claiming compensation for loss of burn crop. The proposal is already sent to Higher Authority for approval. The Respondent Utility submitted that prayer of disconnection of supply of transformer is not permitted as many Agricultural Consumer are using the said connection for the bonafide need of supply of electricity for cultivation of crop in their respective field. As per provision of Section 46 (A), 67/68 of Indian Electricity Act the owner of the land required to give objection before the installation of transformer and lying his work made by the applying to the Caller or officer appointed by Govt. to receive such complaint. The electricity is bonafide need of consumer and the work of supply is undertaken by Respondent Utility official. Therefore essential services provided under the statute cannot be disconnected at the request of consumer. Therefore the prayer of consumer cannot be entertained. The Respondent Utility further submitted that survey No.39/1, as per Government record shown is Gyran and detail of authenticate document not submitted by consumer at proper time. Measurement map and also not submitted by consumer. Therefore claim of the consumer could not be establish at the given time. Respondent Utility submitted that the procedure of shifting of transformer and High-tension Line is possible only after giving proper application to the authority by giving proposal of application of land subsequently. The proposal for shifting the said transformer, sufficient land should be made available and given to the utility. After careful scrutiny of the said proposal depositing 1.3 Supervision Charges. The HT Line can be shifted which is already informed to the consumer by letter 669 dated 9.2.2018 but the consumer did not submit any application so far as the incident of amusing and misbehavior of alleged utility official with the mother of consumer. The enquiry is already initiated and the enquiry and action was in progress. Respondent Utility submitted that consumer raised objection after inordinate delay and the prayer of shifting such line only after the safety and precaution procedure should be followed on application of consumer under Section 56 & 126 Indian Electricity Act which is not initiated by consumer. Therefore this consumer complaint is liable to be dismissed with cost.

Respondent Utility filed copy of all relevant documents, details of installation of connections given to the various consumers, transformer situated and also gave the detail of installation of transformer since 1991 onwards. I have perused all the documents filed by the consumer and the reply and relevant documents filed by Respondent Utility. Following points arise for my consideration to which I have recorded my findings to the points further given reason below:

1. Whether consumer Shri.Amit H.Shinde is entitled for relief of disconnection and shifting of transformer situated in S.No.39/1?
2. Whether consumer proved his prima facie title and over the said premises by filing prima facie documents?
3. Whether consumer complaint is within limitation?
4. Whether consumer is entitled for relief of compensation?
5. What order?

Reasoning :

I have given opportunity to the consumer and the official of Respondent Utility on 25.09.2018. The documents which is submitted before the Forum is scrutinised by us, Gat No.39/1 copy of 71 extract, copy of sale deed 11.9.95, copy of FIR given to Chandoh Police Station, Tal. Shirur, copy of application given to the Respondent Utility official for claiming compensation is perusing by us. It appears that this consumer Shri.Amit H.Shinde became owner of the said land by execution of sale deed dated 11.9.1995, copy of the sale deed perused by us. It is surprising to observe that in this sale deed there is no mention of earlier installation and acquisition of area of land for the purpose of erecting transformer and the pole situated in the premises. The record of Grampanchayat, Chandoh also called at the time of hearing, help of Police investigation map was taken to ascertain, the incident of burning crop due to transformer fire incident taken place on 26.3.2016. After careful monitoring those documents, it reveal that the incident of burning crop where the consumer claimed compensation for Rs.50,000/- is already awarded and the proposal of sanctioning this compensation referred to Higher Authority. So far as the incident reported to IGRC this consumer claimed shifting of transformer and disconnection of unauthorized supply given to other agriculture consumer without his

permission. IGRC had gone to the extent of proposal of shifting of transformer after depositing 1.3 Supervision charges under DDF Scheme. It is surprising to note that the consumer never willing to give such application for shifting of transformer under DDF Scheme nor there is express prayer made by the consumer, he only prayed disconnection of supply. The intention of IGRC by order 11.6.2018 is without any clarification and recording of detail of reply and possibility of shifting of such 9 transformer and 34 poles without technical report obviously is unwarranted and cannot be executed without due procedure. I find that the order of IGRC is lacking on technical as well as technical aspect. Therefore the said order is required to be set aside and cancelled by us. Even the consumer had not shown any willingness and prayer for 1.3% Supervision charges and why he should shoulder the burden when he himself suspension in the lost. In this circumstance the order of IGRC appears to be illegal, improper, without following technical and procedural aspect. Therefore such order is not executable hence liable to be squash and set aside.

Coming to the of claiming compensation of crop burn of the incident, consumer had already received the compensation in separate proceedings. Therefore his complaint again for claiming compensation on the same cause of action does not survive. The allegation of misbehavior and abusing to the mother of consumer, the separate enquiry already initiated I would like to take proper action against the erring officer involved, if any such incidence shall be taken by utility authority immediately. The prayer of shifting of transformer I come across with the reason judgment pronounced by CGRF authority and Ombudsman the required procedure application under Format and depositing of 1.3 Supervision charges under DDDF Scheme as per procedure would only execute if consumer willing to apply for the same. During the course of hearing neither there is any proposal nor the willingness of consumer to adopt procedure of shifting the transformer and poles from his land. On the careful monitoring of facts of the case it appears that installation of transformer and the electric pole work carried out by utility official before the land is purchased by this consumer. It is unfortunate part that the respondent Utility was unable to trace whole set of documents. However the name of other agricultural consumer list given in the further reply at Sr.No.1 to 13, the connection is 31.5.1999, 29.9.1993 and 31.3.199. This connection is in existence prior to the date of purchase of land by this consumer. Prima facie in the sale deed the acquisition of the said land and existence of transformer and the pole not

mentioned in the sale deed. The area which was shown not useful for the cultivation is already given. Admittedly no objection earlier event is recorded for instance is reported against the utility. The objection subsequently raised after lacks of 16 years is absolutely unwarranted and without any substance in view of the findings given by Ombudsman in the reported judgment shifting of line and transformer relief cannot be entertained in favour of this consumer as work was done back to 20 years before land is purchased and therefore substantial relief cannot be extended in favour of consumer. However the consumer may apply for reasonable compensation for acquiring his land by the utility but proper application to the authority of land acquisition proceeding and compensation in separate proceedings, but this consumer application the dispute cannot be entertained due to lack of following procedure not admitted by the consumer as per law. Therefore I am not inclined to grant any relief to the consumer, with this observation, the consumer complaint is liable to be dismissed. As consumer already sustained, the loss of his crop no cost should be awarded to the consumer.

The opportunity was given to both parties i.e. utility and consumer for submission of their relevant documents and if any say is required during the hearing. Accordingly, the time limit of 60 days prescribed for disposal of the grievance could not be adhered to.

Hence I proceed to pass the following order.

### **ORDER**

- I) The consumer complaint 43/2018 stands dismissed.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 02.11.2018.

#### **Note:**

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / ~~Disagree~~

Sd/-  
**ANIL JOSHI**  
**MEMBER**  
**CGRF:PZ:PUNE**

Sd/-  
**A.P.BHAVTHANKAR**  
**CHAIRPERSON**  
**CGRF: PZ:PUNE**

I agree / ~~Disagree~~

Sd/-  
**BEENA SAVANT**  
**MEMBER- SECRETARY**  
**CGRF:PZ:PUNE**