

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai - 400 005
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Case No.52 of 2012

In the matter of Complaint filed by Shri Ramakant R Suryavanshi under Sections 142 & 146 of the Electricity Act 2003, seeking legal action against MSEDCL for the alleged non-compliance of the Order dated 12.03.2010 issued by CGRF at Nashik .

Shri. V.P. Raja, Chairman
Shri. Vijay L. Sonavane, Member

Shri. Ramakant R. Suryavanshi,

R/o. Shivde, Taluka. Sinnar, Dist. Nashik.

.....Complainant.

V/s.

1. Executive. Engineer, MSEDCL, Rural Nashik.

Maharashtra State Electricity Distribution Company Ltd.

2. Nodal Officer, MSEDCL, Nashik.

Maharashtra State Electricity Distribution Company Ltd.

..... Opponents.

Representatives Present during the hearing

For the Complainant :

Shri. Ramakant Suryavanshi (in Person)

For the Opponents :

Shri. Girish Sakhadev, Suprintendent
.Engineer. of MSEDCL
(Representative)

ORDER

Dated: 9 August, 2012

1. The Complainant, Shri. Ramakant Ramnath Suryavanshi, had filed a Complaint before the Commission on 21 May, 2012 under Sections 142 and 146 of the Electricity Act 2003, seeking legal action against MSEDCL for the alleged non-compliance of the Order dated 12.03.2010, issued by CGRF at Nashik .

2. The prayers in the Complaint are as under:

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अ. ग्राहक गान्हाणे निवारण मंच, नाशिक यांनी अर्जदाराचे लाभात आदेश केल्याप्रमाणे शिघ्र कारवाई करावयाचे निर्देश सामनेवालेस दयावेत.

ब. मंचाचे आदेशाची कार्यवाही व [] ल्याबदल [] लम १४२ व १४६ प्रमा[] सामनेवाले विरुद्ध [] र्यवाही व्हावी,

[]. अर्जदाराचे हेतूत: नुकसान केल्याबदल अर्जदारास रु. ५,००,०००/- (रु. पाच लाख मात्र) एवढी भरपाई मिळावी.

ड. इतर यो[] व न्याय्य हुकूम अर्जदाचे लाभात व्हावेत. प्रस्तूतच्या अर्जाचा खर्च रु. २०,०००/- सामनेवालेकडून मिळावा.

3. The Complainant has made the following submissions:

a. The Complainant submitted that he is a permanent resident at the address mentioned in his complaint and the Opponent, Maharashtra State Electricity Distribution Company Ltd. (“MSEDCL”), is supplying electricity in the same area. The Complainant made an application to MSEDCL for electricity connection on his land Gat No. 837/06 and submitted the payments as per quotation along with other documents. But, the Opponent has failed to provide the electricity connection to the Complainant on the said land. The Opponent has provided the connection to a wrong place. Being aggrieved by the action of the Opponent, the Complainant filed his complaint before the CGRF, Nashik.

b. The CGRF, Nasik, passed an Order dated 12.03.2010 and directed the opponent as under:

“1. The Distribution Company should transfer the electricity connection sanctioned to Shri. Ramnath Pandharinath Suryawanshi for agricultural well and provide the same over the land Hiss No. 837/6 within 15 days from the date of Order.

2. Only minimum charges should be charged on the bills given in the post and correction to be made in the next bill.

3. as per the regulation 6.12 of the MERC (CGRF & E.O.) Regulations, the Nodal Officer is directed to submit a compliance report of this order within 1 month from the date of receipt of this Order.”

3. During the hearing held on 6 July, 2012 in the Office of the Commission, the Complainant stated that the Opponent was giving a false assurance to the Complainant in respect of providing the electricity connection but till date the Opponent has not complied with the direction given by the CGRF, Nashik.

4. In response to the Complaint, the Opponent filed its reply dated 5 July, 2012, before the Commission. In the hearing, the Opponent submitted that the Complainant had not disclosed the facts of the case. The electricity connection couldn't be given to the Complainant as directed by the CGRF, Nashik on the basis of information received by Shri. Shirsath with regard to the ownership of the land as a dispute in relation thereto is pending before the Sinnar Court.

5. After hearing the both parties and considering the material placed on record before the Commission, the Commission is of the view that attempt to comply with the CGRF Order dated 12.03.2010 has been made by the Opponent's field officers on two occasions. But the dispute between the five persons to whom the Gat No. has been subdivided has led to non-implementation of the Order. Further, the issues involved in the present case are in the nature of a civil dispute. It is not an issue of providing an electricity connection to an individual consumer, therefore the same need be settled by an Appropriate Revenue Court having Competent Jurisdiction under the Maharashtra Land Revenue Code. The Commission is of the view that since the said facts have already been reported by the MSEDCL to the CGRF Nasik, the Commission need not intervene in the present matter and no further action is needed from the Commission's side .

With the above, the Complaint in Case No. 52 of 2012 stands dismissed.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman