

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 5333 of 2021

Maharashtra State Electricity
Distribution Company Limited
Through its Executive Engineer,
O & M Division, MIDC, Lohara,
Darwha Road, Yavatmal.

.... Petitioner

... Versus ...

(1) Shri Shyam Agro Industries through
Its authorized representative
Shri Mahendra Prakash Ruhatiya,
R/o 396/2 Ralegaon Road, Kalamb,
Dist. Yavatmal.

(2) The Consumer Grievance Redressal Forum,
Vidyut Bhavan, Shivaji Nagar,
Amravati through Chairman.

.... Respondents

Mr. S. V. Purohit, Advocate for the petitioner
Mr. P. R. Puri, Advocate for respondent no. 1

CORAM : ROHIT B. DEO, J.
DATED : 16-2-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally with
consent of learned counsel appearing for the parties.

2. The controversy lies in an extremely narrow compass.

3. Respondent 1 – consumer is granted relief by the Consumer Grievance Redressal Forum, Amravati (Forum) vide order dated 16-10-2020, on the premise that the connection provided to respondent 1 – consumer is not DDF (Dedicated Distribution Facility).

4. It is common ground that, if respondent 1 – consumer is provided connection under DDF, it would be respondent 1 – consumer, who would have to bear the infrastructural expenditure incurred.

5. The order of the Forum does not reveal any reason underlying the conclusion that the connection was not provided under DDF. Notably, the application or complaint preferred before the Forum avers that respondent 1 - consumer applied under the DDF although the said submission is with a caveat or a rider that the petitioner was compelled to do so since the petitioner - MSEDCL was short of funds.

6. I would refrain from making any positive observation on the merits of the rival contentions, lest there is any prejudice to either party. However, the order impugned is clearly unsustainable since there is not even a word in the order of the Forum which can be construed as a reason for the conclusion drawn that as a fact, the connection was not

under DDF. While the Forum passingly notes that the relevant material is considered, there is no reference, much less, discussion or consideration qua the material, which according to the Forum indicates that the connection supplied or installed by the petitioner was not under DDF.

7. In this view of the matter, the matter still have to be remitted, and it accordingly remitted to Consumer Grievance Redressal Forum, Amravati for fresh decision, after permitting the parties to place on record such relevant material as the parties may deem fit and needless to say after hearing the parties.

8. The Forum is requested to take an appropriate decision as early as possible, and in any event, within the next three months.

9. The petition is disposed of in the aforestated terms.

JUDGE

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