

to complainant grievance was lodged with IGRC Buldhana in prescribed format on 03.02.2017. According to complainant, NA-MSEDCL have not released connection even after direction by IGRC and thus deprived complainant of legal right of getting electric supply and compelled complainant to approach CGRF Akola. According to complainant, NA-MSEDCL violated section 1 Appendix- A of SOP regulation -2014 and hence entitled for SOP compensation for delay in releasing the connection. According to complainant, NA-MSEDCL is liable to pay penalty of Rs, 1000/- per day as per section 43 (2) of Electricity Act-2003. Complainant prayed of set aside the order of IGRC with immediate release of connection with SOP compensation of Rs. 100 per week for delay and penalty of RS.1000 per day to NA-MSEDCL. Complainant further prayed that SOP compensation payable to complainant be recovered from guilty officers of NA- MSEDCL as per Lucknow Development Authority Vrs M.K.Gupta in 1999 SCC(1) 243 ordered vide 4432 ,4450 of 2012. Complainant Annexed with the complaint document such as IGRC complaint and IGRC Order and receipt of payment.

3. Despite 15 days notice NA- MSEDCL have failed to file reply up to 29.04.2017. Hearing scheduled on 24.05.2017 was extended to 26.05.2017 on request of N.A.MSEDCL vide letter No.518 dated 23.05.2017. N.A. representative Mr. M.R. Nagre Dy.E.E. and Mr. Shri Pramod Khandagale learned representative with complainant were present on 26.05.2017 for the scheduled hearing. During hearing NA- MSEDCL representative submitted letter to forum requesting some time period for filing reply which was objected by complainant and demanded cost of Rs. 1000. After passing order for payment of cost RS. 750/- payable by N.A. to complainant, time period up to 30.05.2017 was granted and hearing was scheduled on 31.05.2017. Again on request of N.A.MSEDCL hearing was deferred to 06.06.2017 and then up to 08.06.2017.

4. Even after applying for time period of submitting reply and consideration by forum by extending hearing schedule on four occasion, NA- MSEDCL

have not filed any reply to forum and not given copy of reply to complainant. Even N.A's. representative or Nodal officer Executive Engineer, Buldhana have preferred to remain absent for hearing on 08.06.2017.

5. Exparty hearing in absence of NA- MSEDCL was taken on 08.06.2017 for which complainant alongwith his representative Mr. Pramod Khandagale were present. Heard Shri Pramod Khandagale learned representative of complainant. Representative of complainant urged that even after payment of charges NA- MSEDCL have not released the connection as per IGRC order and reminder by complainant on 18.02.2017, hence requested Forum to allow the complaint with SOP compensation which is claimed on 03.02.2017, by the complainant.

6. Forum have gone through the complaint with documents on record and arguments by complainant during hearing. Forum is of the view that N.A. MSEDCL have deliberately remain absent for hearing and not submitted any reply to forum even after granting sufficient time hence adverse inference is drawn that N.A. MSEDCL have accepted and admitted the complaint. Otherwise also as per SOP compensation Regulation-2014, connection should be released within one month or 3 months as per requirement of infrastructure. Forum is of the view that .N.A. MSEDCL have failed in their duty, to release connection within maximum period of three months as per provisions of SOP regulation-2014. Since payment is effected on 03.03.2016, complainant is entitled for SOP compensation of Rs. 100/- per week from 03.06.2016. As complainant has claimed SOP compensation on 03.02.2017, Forum is of the view that Rs.100/- per week compensation is payable to complainant from 03.12.2016 till connection is released before 10.07.2017 for 28 weeks, amounting to RS. 2800/- . Forum is of the view that loss of revenue to MSEDCL should be recovered from guilty officers of MSEDCL who have deliberately avoided their duty, after due enquiry as per Lucknow Development Authority Vrs M.K.Gupta in 1994 SCC(1) 243 by Supreme court of India.

With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.20/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to release single phase connection to the residence of complainant on or before 10.07.2017.
3. The N.A. MSEDCL is directed to compensate complainant by payment of SOP Rs.2800/- at Rs. 100/- per week, for 28 week calculated up to 10.07.17 as per SOP Regulation 2014.
4. The N.A. to recover the amount, which it requires to pay to the complainant in pursuance of this order, from the concerned guilty officers/ staff because of whose negligent/ Lethargic attitude, monetary liability has arisen against the N.A. as per direction of the Hon'ble Supreme Court in the matter of Lucknow Development Authority Vrs M.K.Gupta in 1994 SCC(1) 243.
5. No order as to cost.
6. The N.A. MSEDCL is directed to submit the compliance report within period of two months to the forum from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 106

Dt. 09/06/2017

To,
The Nodal Officer,
The Executive Engineer
MSEDCL,O&M Division, **Buldhana.**

The order passed on 09/06/2017 in the Complaint No. 20/2017 is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola.

Copy fwcs to:-

- 1) The Superintending Engineer, MSEDCL, O&M Circle, Buldhana.
- 2) Shri Rajendra Fuldeosingh Choudhary At & Po. Dusarbid Tq. Sindkhed Raja.
Distt. Buldhana..