

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AKOLA.**

*“ Vidyut Bhavan”
Ratanlal Plots,
Akola : 444001
Tel No.2434476*

Dt.09/07/2014

Complaint No.99 to 104, 106 to 112 & 114 / 2014

**In the matter of grievance of not providing electric connection, compensation and
other reliefs, etc.**

Quorum :

Shri T.M.Mantri, Chairman
Shri P.B.Pawar, Secretary
Shri A.S.Gade, Member

Smt.Pallavi Prakash Patel	-	Complaint No. 99/2014
Sau.Chandrakala Keshav Tidke	-	Complaint No.100 /2014
Shri.Keshav Baliram Tayde	-	Complaint No.101 /2014
Shri.Pandurang Tukaram Korde	-	Complaint No.102 /2014
Shri Balu Gulab Ingale	-	Complaint No.103 /2014
Shri Gopal Mahadeorao Sabale	-	Complaint No.104 /2014
Smt Kokilabai Subhash Rasalpur	-	Complaint No.106 /2014
Shri Subhash Narayan Sarode	-	Complaint No.107 /2014
Shri Madhukar Pandurang Bonde	-	Complaint No.108 / 2014
Smt.Mira R Hantodkar	-	Complaint No.109 /2014
Shri Gajanan Kashinath Tidke	-	Complaint No.110/ 2014
Shri Gajanan Manikrao Pandit	-	Complaint No.111/ 2014
Shri Vinod Ambadasrao Sarode	-	Complaint No.112/ 2014
Shri Gajanan Pralhadrao Bhatkar	-	Complaint No.114/ 2014

...vrs....

The Executive Engineer (R.) Dn. Akola

..... Respondent

Appearances :

Complainant Representative : Shri D.M.Deshpande,

Respondent Representative : Shri P.N.Fulzele, Asstt.Engineer & Shri N.G. .
Bhahulkar, JE, Shri A.K.Karale, Asstt.Engg.Telhara.

1. These are the similar type of matters wherein the same and identical type of grievance has been raised by the complainants. The controversy being identical, so also a similar types of replies have been filed in groups. On behalf of the N.A. Therefore as per the submissions made on behalf of the parties, matters are being taken together for hearing and decision and are being decided by this common order. In nutshell, the complainants' case is that inspite of submitting application for agricultural pump connection as well as making all compliances, N.A. has failed to provide electric connection as provided under the Regulation, therefore there is contravention of MERC (Standards of Performance, Distribution Licensee, Period of Supply, Determination of Compensation) Regulation, 2005. Similarly, the grievance has been made about recovery of excess charges towards Security Deposit. There is also delay in issuing Demand Notes, hence compensation has been claimed. In order to have clear picture of each case of the complaints, details are given as under:

Sr. No.	Case No. and Name Of Complainant	Date of application Load in HP	F/Q Issue Date	Date of Payment	S.C.C.	S.D
1	99/2014 Pallavi Pankaj Patel, At Post- Ugwa, Tq. Akola, Dist Akola.	14.03.12 7.5 Hp	02.12.12	08.11.12	3500	7500
2	101/2014 Keshav Baliram Tayde, At Post Kanheri Sarap, Barshitakli, Dist Akola.	03.01.11 5 Hp	21.05.12	20.06.12	40	5000
3	102/2014 Pandurang Tukaram Korde, At Post Kanheri Sarap, Barshitakli, Dist Akola.	05.08.11 5 Hp	08.06.12	07.07.12	40	5000
4	109/2014 Smt Mira R. Hantodtodkar, At Post Ugwa, Tq Dist Akola.	14.03.12 5 Hp	02.08.12	02.08.12	2500	5000

5	100/2014 Sau Chandrakala Keshav Tidke, At Post. Lakhpuri, Tq. Murtizapur, Dist. Akola.	20.04.13 3Hp	02.05.13	12.12.13	3500	3000
6	103/2014 Shri Balu Gulab Ingale, At-Rasalpur, Post Lakhpuri, Tq Murtizapur, Dist Akola	20.04.13 3Hp	02.05.13	10.12.13	3500	3000
7	104/2014 Gopal Manoharrao Sable, AtAt-Rasalpur, Post Lakhpuri, Tq Murtizapur, Dist Akola	20.04.13 5Hp	02.05.13	04.01.14	3500	5000
8	106/2014 Kokila Bai Subhash, Rasalpur, Post Lakhpuri, Tq. Murtizapur, Dist. Akola.	20.04.13 3Hp	02.05.13	05.08.13	3500	3000
9	107/2014 Subhash Narayan Sarode, At, Shelu Bonde, Post Mangrul Kambe, Tq. Murtizapur, Dist. Akola.	20.03.13 5Hp	25.09.13	07.10.13	3500	5000
10	108/2014 Madhukar Pandurang Bonde, Post Mangrul Kambe, Tq. Murtizapur, Dist. Akola.	13.02.13 5Hp	03.06.13	12.06.13	3500	5000
11	111/2014 Shri Gajanan Manikrao Pandit, At Shelubonde, Post Mangrul kambe, Tq Murtizapur, Dist Akola.	19.03.12 5Hp	06.06.12	12.06.12	2500	5000
12	112/2014 Shri Vinod Ambadasrao Sarode, At Shelubonde, Post Mangrul Kambe, Tq Murtizapur, Dist Akola.	14.03.12 5Hp	31.03.12	03.03.12	2500	5000
13	114/2014 Gajanan Pralhadrao Bhatkar, At, Rmabhapur, Post, Waimona, Tq, Murtizapur, Dist. Akola.	26.06.09 5Hp	26.03.13	29.03.13	3500	5000
14	110/2014 Gajanan Kashinath Tidke, AT Po: Hiwarkhed Ta : Telhara Di : Akola	31.12.2005 7.5 HP	Not issued	–	–	–

2. As far as the complaint No.110 of 2014 is concerned, the same has been opposed stating that the complainant therein has submitted application for connection under Krishi Vikas Yojana-III on 31.12.2005, which was launched by the

Licensee under the Commercial Circular No.19 for giving supply on priority basis to Agricultural consumers, upon completion of the formalities & terms and conditions which have been therewith reproduced. It is stated that it was found that there is no proper source of water hence the application was cancelled. Similarly the complainant has not persuaded the application under Krushi Vikas Yojna -III till 2014. Now on 4.1.2014, he has applied vide A-1 Form for supply, copy of which is annexed with the reply. The estimate was prepared and immediately after the complainant shown new bore-well site for supply for this new application, the firm quotation was issued and the complainant paid Rs.7700/- on 4.3.2014 and submitted test report. In view thereof, his claim for compensation is pre-mature and untenable. Krishi Vikas Yojna-II was having last date of 31.12.2005. In view thereof the complainant's attempt to insist for early connection under the said Scheme is not tenable. There is no provision for compensation for losses of crop. Alongwith the reply copies of some documents came to be filed.

3. Herd Shri D.M.Deshpande, the Learned Representative for the complainants and Shri Karale, Assitant Engg., Learned Representative for the N.A. at length. As far as the Complaint No.110 of 2014 is concerned, it is clear that the Complaint is relying on the earlier application submitted on 31.12.2005. While denying the claim, the N.A. has filed certain documents which clearly shows that subsequent application came to be filed. The documents filed by the N.A. clearly show that there is a Certificate of the concerned Talathi mentioning therein that in the field of the complainant new bore-well has been dug in the year 2013-14, so also it clearly show that the quotation has been issued and the complainant has made payment thereof on 4.3.2014. In view of this and the available material on record, it is clear that the said Krishi Vikas Yajna-III was for a limited period and as per the submissions made on behalf of the N.A. at the relevant time there was no source of water and the complainant did not persuaded the said application. The complainant

has thereafter submitted application for new connection which has been acted upon. The relevant documents produced by the N.A. clearly show that the recent application filed by the applicant on 11.1.2014 and there is substance made on behalf of the N.A. that the complainant is trying to take advantage of application filed in 2005 under KVV-III, for claiming the amount of compensation which does not appear to be proper. In any case long silence on the part of the complainant for number of years disentitles him to claim any such relief. As far as the claim for the connection, his new application is taken for consideration alongwith the claim of other complainants.

4. As far as the claim for compensation for delay in giving Quotations are concerned, in the Complaint No.100, 103, 104, 106, 110, 112 are concerned, the record clearly shows that the details given by the N.A. in respect of dates of application and the dates of quotation, there is no delay. Apparently, the payments have been made by the complainants. As far as the Complaint No.99, 101, 102, 107, 108, 109,111 and 114/2014 are concerned, the available material placed by both the parties clearly shows that there is a delay in issuing the quotations. As per the MERC (Standards of Performance, Distribution Licensee, Period of Supply, Determination of Compensation) Regulation, 2005 in Appendix-A under Clause-1, Sub-Clause (i) & (ii), the period for making compliances of Standards of performance and failure to meet those standards have been provided including that of compensation payable. In view of the available material on record, it is clear that as the N.A. has failed to make the compliances and achieve the standards of performance as provided under the said Regulation is liable for compensation for the delay after excluding 30days period, the compensation at the rate of Rs.100/- per week is liable, as far as the above referred cases are mentioned. But the cases, wherein that compliances are made in time, the complainants case for compensation therein cannot be accepted.

5. The complainants have also made grievance in respect of recovery of excess charges towards Security Deposit. According to the Learned Representative, the Security Deposit at the rate of Rs.500/- per HP has to be recovered, but it has been recovered at the rate of Rs.1000/- per HP. The Learned Representative of the N.A. has admitted that Rs.500/- per HP ought to have been recovered but he has submitted that this excess amount will be adjusted in the bills payable by the complainants after providing connections. Suffice to say that such submissions of the N.A. is not proper and reasonable. As per the Provisions the deposit is to be recovered at the time of providing connection. In any case, excess amount exceeding Rs.500/- per HP required to be refunded to each of the complainants except Complant no 110/2014.

6. On behalf of the N.A. the learned representative has made submissions that as the complainants in Complaint No.99, 101, 102 and 109 had not gone before the IGRC, therefore the same are not tenable before the Forum. This submission has been opposed from the side of the complainants, pointing out the relevant provisions of Regulation. On going through the Regulation, it is clear that there is no substance in the objection of the N.A. On going through the Regulation it is clear and it is not mandatory to approach before the IGRC, the wording it is clear that the consumer "may intimate" IGRC. On the contrary, the said Regulation, further clarifies, intimation given to the Officer of the Licensee, Other than IGRC shall be deemed to be intimation under this Regulation. The wording of the Regulation further clear that there is obligation on the Officers of the Licensee to direct the consumer to IGRC. In any case, it cannot be said that approach to the Forum is not a deformity of such a serious nature for which the complaint cannot be said to be not tenable. In any case the Electricity Ombudsman, Nagpur in Representation No.44/2012 has passed order in this respect on this point, the same is binding on the N.A.:

7. The next grievance is about the delay in providing electric connection, consequently compensation is also claimed on that basis. No doubt in the reply nothing has been stated from the side of N.A. that by what time the connection would be made available to the complainants. During course of argument, it has been submitted from the side of N.A. that connections would be provided as per the work orders issued by the office. According to the complainants' Learned Representative connections have been given under Non-DDF CC & RF Scheme, even to the consumers who have submitted applications subsequent to the complainants. On behalf of N.A. paid pendency list came to be filed. As per the submissions made F-1 Register and Auxiliary Registers have been called for. However, on going through the Registers and documents, it is clear that they are not at all filled in and most of the columns are blank. It is not possible therefrom to arrive at conclusion as to which of the consumers have been provided with Electric Connection and on what date, as those Registers are not properly maintained. This Forum is unable to arrive at a definite conclusion. As far as the paid pendency list, even according to the N.A., it is as per the payment made hence the same is not helpful because where there was delay in issuing firm quotation from the side of N.A., naturally those applicants / consumers will be put to sufferance because of delay / lethargy/negligence on the part of the concerned staff of the concerned office of the N.A. Reference and reliance on the paid pendency list, therefore, cannot be said to of much help to the N.A. As per the Regulation, requirement is otherwise and that is required to be followed. Similarly reliance of the N.A. on circular no. 3090 dt 30Jan 14 by Director (Projects) Mumbai is also not of much help. Even it is mentioned at the end of para 1 thereof ---

“It is also seen that the order for turnkey contract is issued for clearing Ag paid pending connections, however majority of the Ag pump connections are

released from the newly paid consumer instead of from the list of old paid pending consumers.”

8 The learned representative of the N.A. has made reference of the order of Hon. Electricity Ombudsman in the matter of Representation No.43/2011 by referring to the Para-6 of the said order, so also referred to the judgment of CGRF, Nashik. On going through the order of Hon. Electricity Ombudsman, Mumbai, more particularly in Para-6, it is clear that there is a observation that it is beyond purview of the CGRF or the Electricity Ombudsman to give any direction and cannot interfere in the chronological order / seniority. In the said order Hon. Electricity Ombudsman has turned down the complainants prayer for giving direction to the Licensee about giving supply. No doubt the Learned Representative of the complainant has referred to the order of MERC in case NO.43/2005 in support of his claim that the complainants are entitled for reliefs. While considering both these orders, it is clear that the order of Electricity Ombudsman in Representation No.43/2011 is directly on the point involved, so also later in time, whereas the order in Case No.43/2005 is for the relief of general nature and is of 2006. In view of the order in Representation No.43/2011, claim as mentioned by the Complainants for electric connection cannot be granted However, in view of the facts and the documents in the matter, this forum thinks it proper to direct the concerned officer of the Divisional Level, Akola Division to issue appropriate directions to all concerned officers/staff to maintain the F-1 and Auxiliary Registers properly and to have intermittent checking thereof. If there is any latches or failure on the part of the concerned staff / officer in maintaining those office registers, to take appropriate action against them. This will be helpful in improving the working of the N.A. Licensee, so also there will be less chances of causing delay and injustice to any of the consumers concerned. With such observations, this Forum proceeds to pass the following unanimous order:

ORDER

1. The complaints No.99, 101, 102, 107 to 109,111 & 114 are partly allowed and the N.A. is directed to pay compensation at the rate of Rs.100/- per week for delay caused in issuing the Firm Quotation/Demand Note within the period provided under the MERC (Standards of Performance, Distribution Licensee, Period of giving supply & Determination of Compensation)Regulation, 2005, to each of the complainants.
2. The N.A. is alsodirected to refund the excess amount recovered on account of Security deposit to the complainant,except complaints inComplant no 110/14(G.K.Tidke) However prayer fro grievance to provide electric connection can not be granted in view of order of Hon'ble Ombudsman in Rep. No. 43/11.
3. The N.A. is also directed to take appropriate action against the erring officer/staff for the lapses on their part including recovery of monetary liability imposed on the Licensee because of their inaction/lethargic attitude, as per the judgment of Hon. Supreme Court in case of M.K.Gupta vrs Lucknow Development Authority, 1994, SCC (i) Page-243, for causing delay in issuing Demand Note and recovery of excess amount of Security Deposit.
4. That the compliance report be submitted within a period of one month from the date of this order.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman