

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/U/2005/04.

Date of Filing: 24/05/2005.

Date of decision: 07/07/2005

Jija Ambadas Mate ----- the Consumer Complainant.

V/s

MAHARASHTRA STATE ELECTRICITY BOARD,
The Distribution Licensee.

Sub: Grievance under the Maharashtra Electricity Regulatory Commission,
(Consumer Grievance Redressal Forum and Ombudsman)
Regulation 2003

The consumer complainant Shri Jija Ambadas Mate, r/o of village Jaipur , post Varzadi, Taluka Aurangabad has filed his grievance in annexure “ A “ on 24.05.2005 under regulation No. 6.5 of the regulation 2003. A copy of the grievance was forwarded on 25.05.05 to the Nodal officer and Executive Engineer (Adm.),in the office of the Superintending Engineer, Rural Circle, Aurangabad, with a request to furnish his response on or before 10.06.05 and hearing in the matter was fixed on 16.06.05.

The contention of the consumer in the grievance is that, he has applied for connection for his agriculture pump at village Jaipur, Taluka Aurangabad. in the year 1997 . It is further contended that he was issued a quotation for Rs. 1420/ on 1.9.97 and that he has paid the same on 28.11.97. It is further contended that he has given the test report and the capacitor report to the D.L. on 8.12.98. Irrespective of continuous persuasion no connection was released in his favor. On enquiry he was given to understand that he was required to pay additional Rs.4000/. The consumer therefore requested the Forum to issue direction to the D.L. to release connection in his favor.

The Nodal officer has filed his response dt.10.6.05 on 15.6.05 .The Nodal officer in his response has stated that the consumer has paid Rs. 1420/ for his agricultural connection on 28.11.97.It is further contended that the consumer has applied for connection to concerned Assistant Engineer on 19.5.05 and the Asst. Engineer issued him firm quotation for Rs. 3850/ on 20.5.05 mentioning therein that further action will be taken after effecting the payment. The letter was sent to the consumer by Regd.post but the same was returned back. Therefore the same was delivered to consumer on 4.6.05.It is further mentioned that the connection of the consumer will be released after effecting the payment, submission of test report and effecting agreement by consumer as per seniority of consumer and availability of material. Cont:

On the date of first hearing on 16.6.05 the consumer as well as Nodal officer were present. The consumer stated that the D.L. has given him additional quotation for Rs. 3850/ and he has paid the same on 14.6.05. When questioned as to what remains in the grievance when the addition quotation is paid , the consumer stated that he has already paid CRA, security deposit and capacitor testing charges and therefore these charges should not be charged to him. The Nodal officer stated that the additional quotation has already been paid by the consumer. The Nodal officer was asked to explain when the consumer has paid the quotation in 1997 why the connection was not released to him and the authority for issue of additional quotation. The hearing in the matter was adjourned to 28.6.05 on request of the D.L. to allow him some time to produce that same .

On 28.6.05 , the Nodal officer along with his assistant was present but the consumer was not present. The Nodal officer filed copy of the departmental circulars (commercial circular No. 646 dt17.6.2000 and 624 dt. 30.6.1999) .The Nodal officer again requested to grant him some more time for producing additional documents as he could not get the same. Considering the request of the Nodal officer the case was adjourned to 5.7.05 .

On 5.7.05 ,the consumer and Nodal officer were present. The Nodal officer filed his report dt.4.7.05 with copy of the letter dt.27.3.02, letter dt.12.11.01 , copy of Dept. circular No.504 dt.27.5.92 and copy of letter dt.2.7.05.

The Nodal officer , though has filed copies of some circulars or letters ,he has not tried to give his report on the queries made to him at the time of first hearing.. When it was specifically questioned that when the quotation is paid in 1997 why the connection is not released till the date of hearing , no reply to this question has been filed by the Nodal officer. However the nodal officer has filed copy of the letter dt.2.7.05 issued by Asst .Engineer and addressed to Executive Engineer Rural Division, which is related to the grievance of the consumer. The Asst. Engineer in his letter has replied to the query as to why the connection was not released in 1998. The Asst. Engineer in the letter has stated that the connection was not released because it was not in agricultural pump paid pending seniority. The Nodal officer in his response dt.10.6.05 and filed on 15.6.05 though has admitted that the consumer has paid Rs.1420/ for his agricultural connection on 28.11.97 , has further stated that on 19.5.05, the consumer applied for connection and quotation has been issued to him and the connection will be released after paying the quotation and submission of test report and executing agreement by the consumer .It is further stated therein that the connection will be released as per seniority and subject to availability of the material. As a matter of fact the contention that the consumer applied for connection to the concerned Asst. Engineer on 19.5.05 and quotation was issued on 20.5.05, is totally wrong as the consumer has already applied for connection in 1997 and quotation No.017602 dt.1.9.97 was also issued to him and accordingly he has paid

the quotation of Rs. 1420/ on 28.11.97 vide receipt No.2680988 . As observed above the Nodal officer has not specifically replied the query relating to the seniority and the query as to why connection was not released when the quotation was paid in 1997.

The Nodal officer in his response dt.10.6.05 has stated that the connection will be released after payment of quotation and submission of test report. The statement of the Nodal officer indirectly conveys that neither quotation is paid nor test report is filed. As a matter of fact the quotation issued in May 2005 is in fact an additional quotation given to the consumer , but the letter does not mention so. The consumer in his grievance has already stated that he has filed the test report and capacitor report on 08.12.98.But the Nodal officer in his report dt.10.6.05 has not stated anything about the same. If test report and the capacitor report are not filed by the consumer with the D.L., as claimed by the consumer, the Nodal officer should have specifically denied the contention of the consumer. But instead of doing anything of this sort, the Nodal officer has chosen to make a general & casual statement that the connection will be released after submission of test report etc. The Nodal officer at the time of hearing was told to produce the seniority list and the list of connections released , but the Nodal officer has conveniently failed to do so.

The consumer has come to the Forum on 24.5.05 with the plea that he has paid quotation of Rs.1420/ in 1997,submitted test report etc. in 1998 and still no connection was released .But when the grievance came for hearing before the Forum the D.L. had already issued an additional quotation and the consumer has also paid the same in the meantime. During the hearing of the grievance it also transpired that the connection has been released in favor of consumer on 27.6.05.Therefore in our opinion there does not remain anything in the grievance filed before the Forum on 24.5.05.But however the Nodal officer in his report dt.4.7.05 has admitted that additional service connection charges(CRA) of Rs. 350/ included in the additional quotation are not justified and has shown willingness to adjust the same in the bill to be issued to the consumer. Similarly another fact which is required to be taken into consideration is that the consumer has paid quotation of Rs. 1420/ in 1997 and additional quotation on 14.6.05 and the connection is released on 27.6.05. The quotation of Rs. 1420/ consists of CRA charges of Rs. 750/ security deposit of Rs. 600/, capacitor testing of Rs. 50 and agreement bond of Rs. 20/. Besides CRA charges of Rs.350/ additional quotation consists of Rs.2250/ towards meter cost, The security deposit of Rs.1200/ and Rs. 50/ as capacitor testing charges. So far as meter cost is concerned the same is payable by the consumer as per directives issued by the Maharashtra Electricity Regulatory Commission. As a matter of fact when the consumer has come before the Forum ,he should not have paid the additional quotation and then it would have been right on his part to question the propriety of the additional quotation. But instead of doing so, he has chosen to pay the additional quotation. Therefore, in our opinion nothing survives in the relief sought in the grievance filed .But in the interest of natural justice it would be right to consider one more fact.

The consumer has paid the security deposit of Rs. 600/ in year 1997 and the same has been lying with the D.L for more than six years or so.

Therefore we are of the opinion that the D.L .shall also give interest on this amount of Rs. 600/ at the Reserve Bank of India rates from the date of deposit of initial quotation till the date of deposit of additional quotation.

Hence it is ordered that the . D.L. should return the additional CRA of Rs. 350/ to the consumer. Likewise the D.L, should also pay the interest on the amount of initial security deposit of Rs. 600/ credited by the consumer at the rate of Reserve Bank Of India. The D.L. may adjust the amount to be returned to the consumer against bills to be issued.

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.KAPADIA)
Member

(K.S.SHEGOKAR)
Member Secretary

(R.K.PINGLE)
Chairman