

CONSUMER GRIEVANCES REDRESSAL FORUM
MSEDCL Chandrapur Zone Chandrapur
Complaint No. 5/2017

1. Shri. Rishi Raghoji Deotale Applicant
Borgaon(Deshapande)
Post-Salori ,Warora Dt. Chandrapur
V/s

1. The Executive Engineer
O&M Division
MSEDCL Warora Dt. Chandrapur

Respondent

2. The Executive Engineer/Nodal Officer
I.G.R.C. Circle Office
MSEDCL Chandrapur

Applicant Represented by

Responents represented by

1. Shri. B.V. Betal

1. Shri. Prashant T. Rathi
Executive Engineer, Warora.

2. Shri. V.N. Bhoyar
Dy-Executive Engineer, Warora Sub-Dn.

CORAM

1. Shri. Vishnu S. Bute - Chairperson

2. Smt. Prajwala M. Kirnakey – Member Secretary

JUDGEMENT

(Delivered on this 29th day of April 2017)

2 Shri. Rishi Raghoji Deotale R/o Borgaon (Deshapande) Post-Salori Tq-
Warora Dist- Chandrapur(hereinafter referred to as , the applicant) had applied to the
distribution licensee, MSEDCL(hereinafter referred to as, the respondent) for new

connection for his agriculture pump set .It is the contention of the applicant that in spite of the fact that he had completed all the formalities, the respondent had not released the connection within the time limit prescribed under the MERC(Standards of Performance of distribution licensees, period for giving supply and determination of compensation)Regulations 2014 (herein after referred to as , the said regulations).He approached the IGRC Chandrapur. The IGRC dismissed his application. Feeling aggrieved by the aforesaid order,the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC(CGRF & EO) Regulations 2006 on 20-3-2017.

3 A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no. DYEE/Warora Sub-Dn/IGRC/0781 dt. 13-4-17. The case was fixed for personal hearing on 20-4-2017. Shri B. V. Betal , authorized representative, was present for the applicant. Shri Prashan Rathi , Executive Engineer, Warora Dn and Shri. V. N. Bhojar Dy-Executive Engneer, Warora Sub-Dn represented the respondent. Both parties were heard.

4 It was contented on behalf of the applicant that he submitted an application for connection to his agriculture pump on 28-08-2012. He received demand note on 11-01-2013. He deposited the required amount on 23-01-2013. He submitted the test report on 23-01-2013. In spit of the fact that, the application was complete in all respect ,the respondent failed to release the connection within the prescribed time limit .The applicant got power supply on 25-12-2015. The applicant completed the formality prescribed under regulation 12.2 on 13-01-2016.The IGRC without any discussion about the entitlement of the compensation, dismissed the claim of the applicant vide order no.2/2016 dated 22-03-2016. The applicant is entitle for compensation. The order dt.22-03-2016 may be set aside .The applicant may be given compensation as provided under the SOP Regulations. The applicant may also be awarded compensation of Rs. Three Lakhs towards the damage to his crops ,Rs. 20,000 and Rs. 3000 may be awarded for physical and mental harassment caused to the applicant. Rs.5000 may be awarded towards travel expenses and court case expenditure.

5. Shri. Rathi, referred to the parawise reply dt. 13.04.2017. It was farther stated that, the applicant submitted an application on 28.08.2012. He was given a demand note on 13.01.2013. He submitted the test report on 23.01.2013. He was given a connection on 01.04.2015. To release the connection to the applicant augmentation to the HT/LT line and installation of new transformer was necessary.

The respondent farther stated that the Ag. connections are released as per the seniority of the applicant, availability of funds from various sources and the orders from the superior office. The applicant has been given the connection ,so his request for compensation may be rejected. The respondent also pointed out that ,there is no compliance of the provisions of regulation 12.2 of the 2014 regulation. So the applicant is not entitle for any compensation. The application may be dismissed.

6. We have perused the record. We have heard the arguments advanced by both the parties.

It is admitted position that the applicant submitted the application in the prescribed form. He deposited the amount as per rule. He submitted the test report. So his application was complete on 23.01.2013. To release connection to the applicant installation of a transformer and laying of HT/LT line was necessary. So as per the provisions of regulation 4.9 the applicant was entitled for connection within a period of one year i.e. on or before 22.01.2014.

The applicant say that the connection was released on 25.12.2015. However he has not submitted any oral or documentary evidence in support of his say. The respondent say that connection was released on 1.4.2015. A copy of the new service connection report of the applicant is placed on record. It is seen therefrom that the connection was released on 1.4.2015. So we hold that the connection was released on 1.4.2015.

Regulation 12.2 of the said regulation prescribe the time limit to claim compensation. Proviso to regulation 12.2 reads as follows.

12.2—

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standard of performance specified under these regulations and who seeks to claim compensation shall file his claim with such a distribution licensee within a

maximum period of sixty (60) days from the time such a person is affected by such failure of the distribution licensee to meet the standards of performance.

In the instant case the applicant was entitle for connection on or before 22.01.2014. He got the connection on 1.4.2015. So it is clear that he was not given the connection within the prescribed time limit. However, as discussed above the applicant should have claimed the compensation within the maximum period of sixty days from 22.01.2014 i.e. on or before 23.03.2014. The applicant submitted an application on 13.01.2016 and claimed compensation. Naturally the claim is barred by limitation. Hence compensation cannot be awarded to the applicant.

7. In absence of any evidence much less cogent and reliable evidence , we are not inclined to accept other claims of the applicant.

10. In view of the position discussed above we pass the following order.

ORDER

i) application no. 5/2017 is here by dismissed.

ii) parties to bear their own cost.

(Smt. Prajwala M. Kirnakey)

Member Secretary

(Vishnu S. Bute)

Chairperson

CONSUMER GRIVENCES REDRESSAL FORUM

CHANDRAPUR ZONE. CHANDRAPUR

29th day of April 2017