

application vide order passed under no.SE/Wardha/Tech/IGRC/5445 dated 25-09-2013. Feeling aggrieved by the aforesaid order, the applicant presented the instant application under the provisions of Regulation 6.4 of the MERC (CGRF and EO) Regulations 2006.

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.EE/O&M/H'ghat/Tech/5536 dated 22-10-2013. The case was fixed for personal hearing on 25-11-2013. Shri B.V.Betal, an authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri G.B.Naik, Junior Engineer, Hinganghat (Urban) represented the respondent. Both the parties were heard.

4. It was contended on behalf the applicant that he submitted an application for connection to his residential premises on 19-07-2013. He submitted the application in prescribed form A 1. He attached all the required documents including the test report from the registered contractor. However the respondent had neither carried out the spot inspection nor a demand note is issued to him till now. The applicant is facing a lot of difficulties and inconvenience. When the applicant enquired, the respondent issued a letter dated 23-07-2013. The respondent gave two reasons for not doing the spot inspection. Firstly, that the applicant has not put his signature in the register, kept in the office of the respondent. Secondly, it is the responsibility of the layout holder to create the infrastructure to give connection to the applicant. (the plot holder.)

The applicant vehemently argued that both the reasons given by the respondent are false and baseless. The applicant submitted the application in the prescribed form. He attached all required documents to his application. There is no provision that the applicant should sign the so called register maintained by respondent. As per the SOP, even if the application is incomplete even then the respondent is duty bound to carry out the spot inspection and issue a demand note.

Secondly, the statement of the respondent that, the layout holder should create an infrastructure upto the point of supply has no base. It is the responsibility of the distribution licensee to create an infrastructure upto the point of supply. Not only that the respondent gave connections to Shri Hape, Shri Bolkhande, Shri Thakre residing in the same layout by laying the electric line at the cost of the MSEDCL. The field officers are harassing the applicant with malafied intension.

The applicant's prayer was as under,

- i) The respondent may be directed to carry out the spot inspection and to issue a demand note.
- ii) The applicant may be awarded compensation under the provisions of SOP Regulations
- iii) The amount of compensation may be recovered from the field officers who harassed the applicant.

5. Shri G.B.Naik replied on behalf of the respondent. He referred to the written reply no.5536 dated 22-10-2013. It was further stated that the applicant submitted an application for domestic connection. However he had not put his signature in the

register maintained in the office. The applicant had not submitted his application personally. As per directions issued by the Chief Engineer, Mahavitrans, Nagpur zone under no. *ev@uki@tulid@ul d@jftLVj@2766 fnukd 03-07-2013*] it is necessary to put the signature in the register. The applicant had been informed accordingly. Furthermore, the layout holder had not created an infrastructure in the layout for electricity supply to the plot holders. As per condition no.15 of the order passed by the Collector, Wardha in case no.5 NAP 34/2007-2008 village Shahalangadi, Tq.Hinganghat, it is the responsibility of layout holder to create the infrastructure for supply of electricity to the plot holders.

In view of the aforesaid position, it is necessary for the applicant to put signature in the register and secondly it is the responsibility of the layout holder to create the infrastructure in the layout. So the application has no force. It 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. The respondent has no objection about the application. Even then the respondent had not carried out the spot inspection, firstly because the applicant had not put his signature in the register maintained in the office of the respondent. As per the respondent, it is necessary to put signature, as directed by the Chief Engineer, Nagpur zone. The xerox copy of the letter issued by the Chief Engineer dated 03-07-2013 is on record. The letter is addressed to the Superintending Engineers of Nagpur zone. We

have perused the letter carefully. The letter nowhere says that the applicant must sign the register. And unless the applicant put his signature in the register no action should be taken about his application. So the first reason given by the respondent has no force.

The respondent further stated that the creation of infrastructure in the layout is the responsibility of the layout holder.

However the legal provisions in this regard are totally different.

Hon. MERC order in case no.70 / 2005 dated 08-09-2006 reads as under,

6.4 Commission's ruling

The commission totally rejects MSEDCL's proposal to recover service line charges from the prospective consumers except in cases of consumers requiring dedicated distribution facility. As per provisions of the Act, developing infrastructure is the responsibility of licensee. The commission, therefore directs that the cost towards infrastructure from delivery point of transmission system to distributing mains should be borne by MSEDCL. The recurring expenses related to the capital investment on infrastructure shall be considered during ARR determination.

Shri Betal, called for information from the respondent about the creation of infrastructure, under the RTI Act 2005. The Assistant Engineer and Public Information Officer of MSEDCL, Samudrapur, Sub Division, informed vide letter no.AE/S'pur/T/1519 dated 31-08-2013 as under,

3 oht i gObk ns ; kl kBl i k ; kHkq (infrastructure) I fjo/kk mHkkj .kHps dke oht dA uHps vkgS

4 i k ; kHkq I fjo/kke/ ; smi dlnz mHkkj .kh] oht forj .k dA uHps t kG} i fjo rZ mHkkj .kh bR ; knh oLrnpk I ekosk
gls-ks

From the aforesaid discussion, it is very clear that the erection of the infrastructure from the delivery point of transmitting system to the distributing mains is the responsibility of the distribution licensee and the field officers were aware of this provision. So the reasons and the excuses given by field officers of the respondents are clearly with the malafied intention.

7. In view of the facts and circumstances discussed above, the applicant is entitle for compensation and the field officers are personally responsible for not performing their duty as per rules,

The applicant is entitle for compensation under the provision of Regulation 12.2 and Appendix A item 1(i) from 30-07-2013 till the date the respondent complete the inspection of the premises of the applicant. The compensation shall be @ Rs.100/- per week or part thereof.

The applicant is also entitle for compensation under the provision of Regulation 12.2 and Appendix A item 1(ii) from 20-8-2013 till the date the respondent intimate the application of charges to be borne by him.

8. We have also noticed that even if the applicant is entitle for compensation the MSEDCL is not responsible but the officers who handled this case are personally responsible. The Chief Engineer's letter dated 03-07-2013 no where direct the subordinates to obtain the signature of the applicant in the register even then the concerned officers denied the connection. Secondly from the letter bearing no.AE/S'pur/T/1519 dated 31-08-2013 it is clear that the officers were aware that the

responsibility of construction of distribution network is the responsibility of the distribution licensee. They denied to take action on the application of the applicant. This attitude of the concerned officers is of in disciplinary manner, not performing the duties in accordance with the Regulations knowingly, unbecoming of public servant and highly negligent. In the circumstances discussed above the amount of compensation may be recovered from the concerned responsible officers.

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

ORDER

- i) Application No.89 of 2013 is partly allowed.
- ii) The applicant is entitle for compensation from 30-07-2013 till the date, the respondent complete the inspection and issue the demand note.
- iii) The respondent should pay the compensation as per the provision of the SOP.
- iv) The amount of compensation may be recovered from the officers handling this case.
- v) No order as to cost.

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|---|--------------------------------|--------------------------|
| Sd/- (Adv.Gauri D.Chandrayan) | Sd/- (Ms.S.B.Chiwande) | Sd/- (Vishnu S. Bute) |
| <u>MEMBER</u> | <u>MEMBER SECRETARY</u> | <u>CHAIRMAN</u> |
| <u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u> | | |
| <u>(Nagpur Dtd. 01st day of January, 2014)</u> | | |

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.

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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 01st January, 2014 in Case No.89 / 2013 is enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Rajesh Bharat Waghmare, At.Shahalangadi, Po.Tq.Hinganghat, Dist.Wardha.

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Hinganghat
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670