

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

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

SHRI V.R.Khobragade,IAS(Retd)
Chairman

PH.(R)2457651(M)9923136412 (O) 0712- 2022198

Shri M.G.Deodhar,
Member

(M)9422805325

NO. CGRF/NZ/R/

Date :

**Certified copy of order dtd 2nd March,2009 in Case No. 57/2009 is enclosed
herewith.**

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

Copy to:-

1. Shri Vinayak Sudarshan Wankhede, At & Post- Nara, Tah-Karanja(Ghadge)
Dist-Wardha.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL.Wardha, --
4. The E.E.,C.C.O&M Dn., MSEDCL, Arvi.for information and necessary action.

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,
Bandra-Kurla complex,
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)
022 - 26590339 (Office)

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.**

(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **57** of 2009

Applicant : Shri Vinayak Sudarshan Wankhede, At & Post- Nara,
Tah-Karanja(Ghadge), Dist-Wardha.

-- VS --

Non-applicant : 1.Executive Engineer/Nodal Officer, I.G.R.C,
Circle Office,M.S.E.D.C.L., Wardha.
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L., Arvi.

Present : 1.Shri V.R.Khobragade,Chairman
2.Shri M.G.Deodhar,Member
3.Shri S. A.Harpale,Member/Secy.

Appearance. : 1. Shri V.S.Wankhede,
Applicant present.

1. Shri M.B.Dhabarde,AE.
For Non-Applicants.

ORDER

(Passed this 2nd day of March,2009)
(Per Shri V.R. Khobragade, CHAIRMAN)

1. One Shri V.S.Wankhede (hereinafter referred to 'Applicant') filed an application to Forum in schedule form 'A' as per MERC (CGRF&EO) Regulations,2006 (hereinafter called the 'Regulations'). on 7/1/2009 requesting to set aside the order date. 24/12/2008 passed by IGRC, Wardha and to grant relief admissible as per provision under Regulation in force. By this impugned order, the IGRC, Wardha did not grant any relief of compensation, Applicant, therefore, came before Forum.
2. After receipt of his application, the Forum issued acknowledgement to Applicant, called parawise comments of the non-applicants(hereinafter called 'DL'/'NA'), a copy of the parawise comments was sent to the Applicant, issued notices to both the parties, finally heard both the parties on 5/2/2009. Forum thus, offered a fair, reasonable and adequate opportunity to both the parties for submission of their say in the matter.

3. On the date of hearing both the parties were present. They were carefully heard. The Applicant, in brief, stated that he made an application on 2/2/2005 to Company Karanja for power connection to agricultural pump. He paid required amount of Rs. 7261/- on 28/2/2007, in compliance of Firm quotation dtd. 18/12/2006 issued by Company, Karanja and also submitted Test report to company on the same day i.e. 28/2/2007. Applicant further stated that he borne expenditure of Rs. 1300/- for transport of poles and wires and Rs. 1054/- for purchase of necessary items required for power connection. Though he got power connection to ag.pump on 15/12/2008, he is entitled for relief of compensation for delay in getting power connection and therefore he prayed for compensation, refund of expenditure towards transportation, purchase of materials required for power connection and excessive amount from demand note.
4. The NAs were represented by A.E.,Karanja. He contended that no application of the Applicant was received on 2/2/2005 to the office of company but Applicant's application had been received to office on 4/12/2006 and necessary action for spot inspection and issuance of Firm quotation was taken in time and, therefore, he is not eligible for compensation. A.E. further differs with the date of submission of Test report and mentioned that it was received to office on 3/3/2007. As regards supply of power connection, the A.E. pointed out that the said work has been entrusted on turn key contract basis. Company is not therefore responsible for delay in getting power connection to Agricultural pump. The A.E. finally requested to confirm the order passed by the IGRC, Wardha and reject the application.
5. The Forum has carefully gone through the records, parawise comments submitted by the NA. On scrutiny of the records, it reveals that the firm quotation was issued on 18/12/2006 and the date of application mentioned therein is 2/2/2005. Forum tried to examine the issue keenly and the NA therefore was asked to produce the application Register maintained by company's office. The NA has produced the said two registers which were not duly signed and certified by the competent authority. The register shown to Forum found blank after taking some entries leaving over 95% pages blank for the reasons best known to the company's official. The reason for entries in to this RPR is under dispute and taken as per 28A, 27B etc. found no

convincing reason. The Forum has therefore, come to conclusion to consider the date of submission of Applicant e.g. 2/2/2005 as mentioned in the firm quotation which was issued under signature of the A.E.,Karanja In the instant case, the spot inspection was conducted on 9/12/2006 and Firm quotation was issued to the Applicant on 18/12/2006. The provision of compensation has been come into force w.e.f. 20/1/2005 and therefore Forum opine that the matter of suppression of fact by company's official need to be checked by proper authorities. From 20/1/2005 to 9/12/2006, the application delayed abnormally and Forum thus is pleased to award compensation for 88 weeks (excluding 10 days of admissible period in Rural area for spot inspection) and an amount of compensation comes to Rs. 8800/- payable to the Applicant. This amount is recoverable from the concerned official found at guilt. As regarding carrying out work of providing power connection to the applicants, the said was entrusted to Turn Key Contract (Page 14). The observation mentioned in Para I of letter of EE is beyond his jurisdiction and, therefore, Forum direct E.E. to be in size henceforth. Forum differs with the comments submitted under signature of A.E. that 'Balsklyk i ly ok; fja o brj l leku olgrw i jfo.; kpsclwv ns; kr vly; kus; k rdlijpk l c/k ulgh'. As a matter of fact TKC is an official arrangement executed between company and the contractor. The Applicant being a third party has no voice and a third party has no reason to contact contractor as he applied to the company paid amount towards Firm quotation to company and therefore plea taken by company is not acceptable that ; k dk; ly; kpk l c/k ulgh. In compliance of the agreement on TKC, it is for contractor to transport, and purchase material required at his end and he enjoys no right to ask to any applicant to purchase material required for power connection. On verification of the document placed on record at Page 3 and 4, an amount of Rs. 1099 + Rs. 1000 = Rs. 2099 (incurred for transportation and purchase) is refundable by the contractor and to be paid to Applicant. Forum, therefore, direct to complany's concerned official to take necessary step to recover from contractor and to refund Rs. 2099/- to the Applicant. So far payment of firm quotation is concerned Forum examined the issue in view of the instructions contained in circular No. 43 dtd. 26/9/2006 issued by H.O., Mumbai and observe that an amount of Rs. 2910/- is refundable to the Applicant. As regards submission of test report is

concerned there is difference of opinion between the parties concerned . According to the Applicant date of submission of T.R. is 28/2/2007 whereas as per NAs say test report was received to company on 3/3/2007 The Applicant has since no furnished any documents in support of his say, Forum consider the date of submission of T.R.as 3/3/2007 and got connection on 15/12/2008. The company is duty bound to supply power connection to the Applicant within a month from the date of compliance under section 4.2 of SOP of D.L. As this case does not attract the provision of 4.5. and 4.6 of SOP, 2005. There had been a delay of 82 weeks . The Applicant is therefore entitled to get compensation of Rs. 8200/- admissible under 4.2 of SOP.

6. For the reasons discussed above, and the following order is unanimously passed by the Forum.

-: ORDER :-

1. The order passed by IGRC,Wardha is set aside.
2. J.E.Concerned to pay compensation of Rs. 8800/- to the Applicant.
3. Rs. 2099/- an expenditure for transport and purchase of material be paid to Applicant.
4. Compensation of Rs. 8200/- shall be paid by the officials of D.L.
5. Rs.2910/- to be refunded to Applicant which he paid towards demand note.
6. Parties to bear their own cost.
7. Parties be informed accordingly.

SD/ILLEGIBLE
(V.R.KHOBRA GADE)
CHAIRMAN

SD/ILLEGIBLE
(M.G.DEODHAR)
MEMBER

SD/ILLEGIBLE
(S.A.HARPALE)
MEMBER/SECY

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

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