

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **49** of 2008

Applicant : Shri K.V.Ekude, R/o. Susa, Post-Kosarsar,
Tahsil-Warora, District- Chandrapur.
-- VS --

Non-applicants. : 1.Executive Engineer,C.C.O&M Dn., MSEDCL,
Warora.
2.Executive Engineer/Nodal Officer, I.G.R.C.,
Circle Office, MSEDCL, Chandrapur..

Present : 1.Shri N.J.Ramteke,Chairman
2.Shri M.G.Deodhar,Member
3.Shri S.J.Bhargava,Member/Secy.

Appearance. : 1. Shri K.V. Ekude- Applicant. .
2. Shri B.T.Jadhav, E.E.,O&M DN,Warora.,
3. Shri P.D.Motghare,A.E.,O&M S/dn,Warora.
For Non-Applicants.

ORDER

(Passed this 5th day of February, 2008)
(Per Shri N.J.Ramteke, CHAIRMAN)

- 1) Shri K.V.Ekude- Applicant presented an application in form schedule 'A' under M.E.R.C.(C.G.R.F.&E.O.)Regulations,2006 (hereinafter called the 'Regulations') to this Forum on 4/1/2008. On receipt of application, the Forum gave an acknowledgement to Applicant. The Forum called the parawise comments of the non-applicants. The non-applicants submitted parawise comments to this Forum on 21/1/2008. The copy of the parawise comments was sent to Applicant. The Forum issued and served the notices to both the parties for hearing. The Forum heard both the parties on 4/2/2008. Thus reasonable and fair opportunity of hearing was given to both the parties in terms of rule of natural justice. The Applicant also submitted the counter-reply to the parawise comments as submitted by the non-applicants, at the time of hearing on 4/2/2008.

- 2) The Applicant enclosed a statement with form schedule 'A'. Applicant made grievance to this Forum on the grounds that there is no supply of electricity to the single phase at night in his premises. His agriculture field and house is at fag end of village Susa and, therefore, sometime there is no electricity supply. He made a prayer that in terms of various provisions under the Electricity Act,2003 and relevant circulars, electricity supply should be maintained at night through single phase.
- 3) The facts in brief in this case are that the Applicant is a consumer of M.S.E.D.C.L. (for short 'DL') with consumer No. 459960001098. He stays at Nagpur whereas his agricultural field is at village Susa Tahsil-Warora, District-Chandrapur. He made an application in schedule 'X' of the Regulations to the I.G.R.C., Chandrapur on 15/5/2006. He also reminded to non-applicants on 17/7/2006 about his grievance and maintenance of electricity supply during night. The non-applicants sent their reply on 4/8/2006(Record Page 4) to Applicant. Applicant also runs a flour mill and chilly grinding machine at his field. He also possesses and runs two water supply pumps for his field. The DL has given him single phase supply. The flour mill and chilly grinding machine is operated on single phase electricity supply. His agricultural pumps are supplied with three phase line from Khambada Sub/Station alongwith other cultivators. There is no single phase system on 11KV Kosarsar feeder from Khabada Sub/station.
- 4) The Applicant made elaborate submission at the time of hearing and also submitted counter-reply. The main contention of the Applicant is that 13+7 agricultural pumps are operated on single phase transformer. The connections are given to them after single phase supply to him. The other cultivators get supply of electricity from the single phase during the night also. When other cultivators are getting benefit of the single phase supply, why he should not get the same benefit during night? It is a fact that he installed a flour mill and chilly grinding machine at his field but they are exclusively used for domestic purpose. His field is at a quite distance from village and, therefore, villagers do not come to his flour mill as there are two flour mills in Susa village. There is no electricity supply at night through single phase and,

therefore, his servants remain in darkness at night. There are two servants working in his field.

- 5) Shri Jadhao reiterated the points as submitted in the parawise reply (Record pages 13-14) of the non-applicants. The main contention of the non-applicants is that Applicant is the only domestic consumer on the circuit and it is not economically feasible for the DL to execute single phasing on three phase line for his agricultural pumps. The DL is ready to provide single phasing scheme to agricultural line on payment of the estimated charges and the consent letter. If the line supplying power to D.L. connection is kept on as demanded by Applicant, all other agricultural pumps will be in operation and the very purpose of single phasing system will be defeated. They also made spot inspection on 19/1/2008 about the complaint of Applicant in respect of jumping of electricity. But Applicant is using DL 109 domestic meter for flour mill and chilly grinding machine. If flour mill and the chilly grinding machine are stopped, there is no jumping of the electricity and he is getting proper electricity supply. When Applicant starts agricultural pumps on three phase line, there is certainly the difference in voltage but it is proper when the single phase electricity supply is not in use. Shri Jadhao also submitted that Applicant is using single phase (3 HP) motor for commercial use at the cost of the D.L.
- 6) In view of above position and circumstances, the Forum comes to the conclusion and decides as under:
- 7) The Applicant admitted that he has not obtained any permission from the D.L. about operation of flour mill and chilly grinding machine. He has also not followed the procedure about obtaining permission for above purpose. He has also admitted that the old transformer is quite away from his field for which eight-nine poles will be required for supply to his field. He has also admitted that the new transformer is also quite away from his field for which eight-nine poles will be required if single phase lighting is given to his agricultural pumps. The non-applicants never refused the connection as per his demand provided he makes the estimated payment with consent letter to the D.L. The Dy.E.E., O&M S/Dn., MSEDCL, Warora under his letter dated 4/8/2008 made it clear that the D.L. is ready to supply electricity to him but payment

of estimated charges with consent letter is required. The non-applicants have rightly submitted that for a single cultivator, it is not economically feasible for the D.L. to supply electricity to Applicant. The Applicant admitted clearly and specifically before the Forum at the time of hearing that he is not ready to make the payment for the same.

- 8) The Applicant relied upon sections 41 to 47 of the Electricity Act, 2003 but he was not in a position to explain in support of his claim how these sections are giving support his case. It has been clearly laid down under proviso to Sub/section 2 of Section 43 that no person shall be entitled to demand, or continue to receive from licensee supply of electricity for any premises having a separate supply unless he has agreed to the licensee to pay to him such price as determined by the Commission. Applicant is already having electricity supply but he wants single phase supply from one or other transformer. He is not ready to make the estimated payment to the D.L. On the other hand he wants electricity supply. This is not acceptable to the Forum. Applicant also relied upon the letter dated 5/11/2004 (Record pages 23-24). This letter is addressed to the S.E.,O&M Circle by the C.E.(Distribution) . This letter pertains to single phase of rural feeders for giving 24 hours supply to rural lighting load. In this letter directions are given to to S.E. about the feeders to be covered, expectations of the Hon'ble Chairman and the major material required. This letter does not support the case of Applicant.
9. There is no order by the I.G.R.C. on the application in form schedule 'X'. The Forum made a query to Shri Jadhao, E.E. in this regard. He submitted that the Dy.E.E. concerned made a reply on 4/8/2006 to Applicant and, therefore, the I.G.R.C. did not make any reply to Applicant. Shri M.G.Deodhar, Hon'ble Member of the Forum, asked specific question to Shri Jadhao whether the premises and the agricultural field of Applicant fall within the Gram Panchayat limit of village Susa. Shri Jadhao was not aware about the matter and he wanted to verify the same. However, whether the agricultural field falls within Grampanchayat limit or otherwise, it does not negativate the position of the non-applicants. The Forum noticed that the non-applicants did not take any cognisance for action against

Applicant as he is running flour mill and chilly grinding machine without following the proper procedure and permission of the D.L. The D.L. is ready to make electricity supply to the Applicant provided he makes the payment with consent letter. This stand of the non-applicants is correct and no substance is found in the grievance of the Applicant. Thus the application deserves to be rejected.

10. In view of above position, the Forum passes the following order.

-: ORDER :-

- 1) Application is rejected.
- 2) The S.E., Chandrapur should check up the position about the flour mill and chilly grinding machine.
- 3) There is no order as to cost.

SD/ILLEGIBLE
CHAIRMAN

SD/ILLEGIBLE
MEMBER

SD/ILLEGIBLE
MEMBER/SECY

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

NO. CGRF/NZ/R/

Date::

Certified that this is the true and correct copy of the above order.

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

Copy to:

1. Shri K.V.Ekude, R/O. Susa, Post-Kosarsar, Tah-Warora, Dist-Chanbdrapur. for information .
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL. Chandrapur. --
5. The E.E., C.C.O&M Dn., MSEDCL, Warora. for information and necessary action.

Address of the Ombudsman is given as below.

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

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

