

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 19/2013

Shri Ambadas Maroti Narnaware
At.Tadgaon, Po.Mangrul
Tq.Samudrapur
District - Wardha.

Complainant

,,VS.,

1. Executive Engineer,
MSEDCL,O&M Division,
Hinganghat.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Wardha.

Respondents

Applicant represented by 1) Shri B.V.Betal

Respondents represented by 1) Shri D.W.Bhakare, Assistant Engineer, Samudrapur.

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 21st day of May, 2013)

2. The present grievance application is filed before this Forum as per Regulation No.6.4 of the MERC (CGRF & E.O.) Regulation 2006. The applicant submitted an application to the MSEDCL for new connection to his agricultural pump set. It is alleged that the respondent failed to release the connection within the time limit prescribed in the MERC (Standards of performance of distributions licensee, period for giving supply and determination of compensation) Regulations 2005. So he claimed compensation. He approached IGRC Wardha. His application had been dismissed by

an order passed in case No.SE/Wardha/Tech/IGRC/5159 dated 17-09-2012. Feeling aggrieved by the above order the applicant presented this application.

3. The respondent submitted parawise reply vide letter no.EE/O&M/H'ghat/Tech/1668 dated 08-04-2013. The case was fixed for personal hearing on 29-04-2013. Shri B.V.Betal, a representative was present for the applicant. Shri D.W.Bhakare, Assistant Engineer represented a respondent. Both the parties were heard.

4. Shri Betal argued that the applicant submitted an application on 03-01-2011. He received the demand note on 29-03-2011. He deposited the amount of Rs.4,300/- on 30-03-2011. He submitted the test report in office of the respondent.

The respondent stated that the connection was released on 17-03-2013. However this is not true. The contractor fixed the electric meter on a pole of L.T. line on 02-04-2013. The power supply is not given to the applicant after installation of the electric meter on a broken pole. Shri Bhakare, Assistant Engineer mentioned in the progress report that the connection was released on 20-03-2013. The applicant fixed all electrical installations. The report submitted by the representative of the respondent is not proper. As the electric connection is not released within the prescribed time, the applicant may be awarded a compensation of Rs.2.00 Lakh towards the loss to his agricultural produce, Rs.50,000/- each may be awarded for physical and mental harassment, Rs.5000/- each may be awarded for travel expenses and the cost of the instant proceeding. The respondent may be directed to release the connection immediately on the basis of test report already submitted.

5. Shri Bhakare, Assistant Engineer represented the respondent. He referred to the written reply dated 08-04-2013. It was further stated that the applicant submitted an application on 03-01-2011. A demand note was issued on 04-03-2011. The applicant deposited the amount on 31-03-2011. He submitted the test report on 08-09-2011. To provide the connection to the applicant erection of 1.62 Km L.T. line was necessary. His name was entered in the paid pending list of the year 2010-2011. The electric installation of the applicant was inspected by the staff of the respondent. At the time of inspection it was noticed that there is a Well in land of the applicant. However no electric installation was found in the spot. So the test report submitted by the applicant was cancelled. The applicant has been informed accordingly by a letter dated 15-09-2012. As per the provisions contained in the Indian Electricity Rules 1956 Chapter V Sr.No.47, the spot inspection was carried out. No advance intimation is necessary for such spot inspection. Now the applicant may submit a test report to get the connection. It was stated that the applicant submitted a test report on 15-03-2013 and the electric supply is given on 17-03-2013.

In view of the above position the applicant is not entitle for any compensation.

6. Since there were contradictory statements about the release of supply Shri Bhakare was directed to verify the facts and submit the report. The report was submitted under no.AE/S'pur/Tech/805 dated 06-05-2012. As per the report the connection is released on 20-03-2013.

7. The Technical member submitted a note as under,

The applicant has filed this grievance application against the order of IGRC Wardha passed on 17-09-2012.

After perusal of the documents on record I have observed that the applicant had applied for Ag. Pump connection on 03-01-2011. Demand note was prepared by the respondent on 04-03-2011 & was sent through post on the same day as alleged by the respondent. The respondent however stated that he received the demand note on 29-03-2011 but did not produce any documents to substantiate the fact. He made the payment of demand on 30-03-2011. According to the applicant after completion of AG. Pump installation he submitted the test report to the respondent's office on 08-09-2011. The applicant on 18-07-2012 approached to IGRC with his grievance and demanded compensation for delay in getting connection to his Ag. Pump. The applicant nowhere mentioned in his grievance application that he had removed the motor for the sake of safety as there was no sign of getting electric connection despite the repeated request made by him to the respondent so also there is no such evidence on record.

In the mean time the respondent's official visited the applicant's Ag. Land on 27-08-2012 for inspection of Ag. Installation in accordance with section 47 of Indian Electricity Rules 1956.

The said proviso is reproduced as below,

47. Testing of consumer's installation-

(1) Upon receipt of an application for a new or additional supply of energy and before connecting the supply or reconnecting the same after a period of six months, the supplier shall inspect and test the applicant's installation.

The supplier shall maintain a record of test results obtained at each supply point to a consumer, in a form to be approved by the inspector.

(2) If as a result of such inspection and test, the supplier is satisfied that the installation is likely to constitute danger, he shall serve on the applicant a notice in writing requiring him to make such modifications as are necessary to render the installation safe. The supplier may refuse to connect or reconnect the supply until the required modifications have been completed and he has been notified by the applicant.

The above proviso clearly implies that the respondent's official can conduct test of consumer's installation wiring only when it is complete in all respect and all fittings like motor, other appliances etc. have been connected before the test is carried out. In absence of complete installation, the respondent can not carry out the test of consumer's installation and ask the applicant to remove the difficulties or make such modifications as are necessary to render the installation safe.

As there was no installation found on the spot, the respondent could not carry out the test of consumer's installation & cancelled the test report.

The respondent informed the applicant vide letter dated 15-09-2012 & asked to submit fresh test report after completion of work & wiring on the spot first. It is in this background that the applicant had submitted another test report dated 14-03-2013 giving details of work completed duly signed by licensed contractor & the same was

received to the respondent's office on 15-03-2013. The respondent further stated that the connection was released on 17-03-2013.

In view of above as the test report submitted earlier by the applicant was clearly false & there is another test report dated 15-03-2013 is on record which the applicant has submitted to the respondent's office after completion of work. After that the connection was released on 17-03-2013 by the respondent's side. Hence there is no delay in providing connection was occurred.

Therefore in my opinion the respondent is not responsible for any losses caused to the applicant. Hence the applicant is not entitled for any compensation & his grievance application should be dismissed.

8. We have heard both the parties. We have perused record submitted by the parties.

Regulation 4.5 of the MERC (S.O.P.) Regulation 2005 reads as under,

"Where the supply of electricity to a premises requires extension or augmentation of distributing mains, the distribution licensee shall give supply to such premises within three months from the date of receipt of complete application in accordance with the MERC (Electricity supply code and other conditions of supply) Regulation 2005".

On perusal of the submissions of the respondent it is seen to provide the connection, augmentation of L.T. line was necessary. So as per the aforesaid legal provision the respondent was bound to release connection within three months from the date of receipt of complete application. The applicant submitted the test report on 08-09-2011. That means all formalities were over and the application was complete in all

respect. So he was entitle for connection on or before 08-12-2011. As per the written report of the respondent the connection was released on 20-03-2013. So the applicant is entitle for compensation as per provision under Regulation 12.1 and appendix A item 1(iii). The compensation is payable for the period from 08-12-2011 to 20-03-2013.

. It is alleged by the respondent that their representative visited the spot of the proposed connection. The inspection was done as per the instructions contained in the Indian Electricity Rules 1956, Chapter V Sr.No.47. The representative noticed that the applicant dug a Well. Installations such as meter box, main switch were there. However the motor was not there.. Any intimation of such visit is not necessary. So the test report was cancelled. As per applicant he took the motor to his house due to theft perception.

After due consideration of the facts and circumstances it revealed that the respondent visited the spot of the proposed connection as per the guidelines contained in the rules. However the respondents have not submitted any record such as spot inspection note, panchnama etc. So what exactly they observed on the spot and in whose presence the spot was inspected is not clear.

Secondly the provision quoted by the respondent reads as follows,

47. Testing of consumer's installation-

(1) Upon receipt of an application for a new or additional supply of energy and before connecting the supply or reconnecting the same after a period of six months, the supplier shall inspect and test the applicant's installation.

The supplier shall maintain a record of test results obtained at each supply point to a consumer, in a form to be approved by the inspector.

(2) *If as a result of such inspection and test, the supplier is satisfied that the installation is likely to constitute danger, he shall serve on the applicant a notice in writing requiring him to make such modifications as are necessary to render the installation safe. The supplier may refuse to connect or reconnect the supply until the required modifications have been completed and he has been notified by the applicant.*

On perusal of the above, it is clear that if the respondent notice some discrepancy in the installation they may ask the applicant to remove it. However there is no provision to cancel the test report. Furthermore the respondents have not submitted any record of the spot inspection. So there is no compliance of the legal provision which say, *"The supplier shall maintain a record of test results obtained at each supply point to a consumer, in a form to be approved by the inspector"*. As such the action taken by the respondent, to cancel the test report, can not be uphold. So it is set aside.

As discussed above the applicant submitted an application on 03-01-2011. He deposited demand amount. He also submitted test report on 08-09-2011. So his application was complete on 08-09-2011. As per the report of the respondent the connection was released on 20-03-2013. The respondent submitted the written acknowledgement of the applicant in support of their say. It is observed that to provide a connection extension / augmentation of the distributing mains was necessary. So the applicant was entitle for connection on or before 08-12-2011. As per the provision

**CONSUMER GRIEVANCE REDRESSAL FORUM
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NO. CGRF/NZ/

Date :

Certified copy of order dtd 21st May,2013 in Case No.19 / 2013 is enclosed herewith.

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

To,
Shri Ambadas Maroti Narnaware, At.Tadgaon, Po.Mangrul, Tq.Samudrapur,
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

