

## **BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**

### **M. S. ELECTRICITY DISTRIBUTION CO.LTD.**

#### **(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **51** of 2008

- Applicant : Shri Laladhar Dattuji Dhadale,, At & Post - Nara,  
Tahsil-Karanja, District-Wardha.  
**-- VS --**
- Non-applicants. : 1.Executive Engineer,C.C.O&M Dn., MSEDCL,  
Arvi,  
2.Executive Engineer/Nodal Officer, Internal Grievance  
Redressed Cell, Circle Office, MSEDCL, Wardha.
- Present : 1.Shri V.R.Khobragade,Chairman  
2.Shri M.G.Deodhar,Member  
3.Shri S. J. Bhargava,Member/Secy.
- Appearance. : 1. Shri L.D.Dhandale Applicant  
present with  
2. Shri Baliramji Dhobale -  
1. Shri S.M.Ghade,E.E./N.O.  
2. Shri M.B.Dhabarde,A.E..  
For Non-Applicants.

### **ORDER**

( Passed this 14<sup>th</sup> day of July,2008)  
( Per Shri V.R. Khobragade, CHAIRMAN)

1. Being aggrieved with the order passed on 22/5/2008 by I.G.R.C. Wardha, Applicant presented this application in form Schedule 'A' of the MERC(CGRF&EO) Regulations,2006 (hereinafter called the 'Regulations') to this Forum on 26/5/2008. In compliance to the Regulations 6.6, 6.7 the Forum issued acknowledgement to Applicant, called parawise comments of the non-applicants(hereinafter called 'DL'), a copy of the parawise comments was sent to the Applicant, issued notices to both the parties, finally heard both the parties on 22/6/2008. Forum thus offered a fair, reasonable and adequate opportunity to both the parties for submission of their say in the matter.
2. The case of Applicant, is that his original application for energization of agricultural pump presented in month of Nov,2005 is not brought on record by non-

applicants and a set of three applications which are not signed by Applicant are put forth with malafide intention, that he frequently called on local officers of D.L. Karanja and requested to take suitable timely action for electric connection to his pump, his request was , however, went unheard, that Applicant , therefore, sent application dated 27/12/2007 as a reminder to the concerned officer. It is further contended by him that he was asked to credit processing fee and amount towards demand note in contravention of provisions prevailed on the date of application. After payment of processing fee, it is contended that the concerned local officer miserably failed to conduct spot survey and submit work order/estimate to A.E.Karanja. On payment of D.N. on 4/1/2008, the concerned J.E. delayed to provide electricity supply to agricultural pump till date of hearing i.e. 26/6/2008. It is further pointed out by Applicant that his old application was left out and electricity supply connected to new and fresh applications filed after him (Applicant). Lastly, Applicant prayed to set aside order passed by I.G.R.C., Wardha since it failed to appreciate the lapses on part of company's staff and prayed for immediate electric connection to agricultural pump and award of compensation as prayed in the present application.

3. On behalf of non-applicants, non-Applicant-1 contended that there was no other application received to the office other than application placed on record, which received by non-applicants on 3/4/2007. The Applicant accordingly asked on the very same day to make payment of processing fee in order to initiate further necessary action in the matter. It has been brought to the notice of Forum that the spot survey report was received to A.E's. office on 17/12/2007 and A.E. accorded sanction on 2/1/2008 and sent demand note on 3/4/2008. Applicant made payment of demand note on 4/4/2008. It is further contended by non-applicants that payment in case of processing fee and payment towards demand note are in accordance with the instruction of circular No.43 No. PR3/COS/34587 DATE. 27/9/2006 issued by Head Office, M.S.E.D.C.L., Mumbai. Non-applicants further contended that no in new or fresh cases connection of electricity supply was made to agricultural pump as pointed out by Applicant. Non-applicants made the point clear that the cases as

referred by Applicant are covered under zero pole category that is service connections. The non-Applicant-1 is also a Nodal Officer, I.G.R.C., Wardha submitted ground realities and practical problems being faced by his staff which causes delay in providing electricity connection within time bound norms as required under Regulations. The I.G.R.C., Wardha considered this aspect positively and awarded reasonable amount of compensation to be paid to Applicant. Non-Applicant lastly requested Forum to appreciate the ground level difficulties being faced by field staff and to confirm order of I.G.R.C., Wardha.

4. An perusal of case papers reveals that the application placed on record at Page No.(Record pages 12,20,22) are neither endorsed nor signed by the officer of D.L. and no convincing reason has been put forth by the non-applicants for omission of serious legalities.. Application (I.G.R.C. Record pages 12,20,22) which are claimed to be received to the office of A.E.Karanja on 3/4/2007 bear no date thereon by the Applicant. (IGRC Record pages 11-16, 21,26) whereas, the documents given by Talathi ,Nara are found to be signed on 30/8/2007 (IGRC Record page 13,14,15,16,18,19,23,24,25 ) The practice is being followed in government/semi-government/co-operative offices to insist for documents relating to title, ownership and possession not later than six months. In the instant case, the revenue documents are issued by Talathi on 30/5/2008 and no satisfactory explanation for acceptance of the documents was given by the non-applicants. The Forum, therefore, expresses concern over casual approach by the local field staff and left the issue open for senior officers of D.L. to issue suitable instructions, as they deem fit. The Applicant denied his signature on the application placed on record. The Forum has no authority to examine genuineness of signature under dispute and, therefore, offers no comments on this count. It is further seen from the record that the Applicant made payment of processing fee on 3/4/2007(Record page 15) and J.E.Karanja-1 as stated by A.E. before I.G.R.C., Wardha submitted his spot survey report on 17/12/2007. In appendix 'A' of Regulation 12 of S.O.P. the concerned officer's duty is to conduct spot survey within 10 days from the date of receipt of application. In this case J.E. Karanja delayed over 30 weeks for completion of said formality. As per the said Regulation

Rs. 100 per week or part thereof is to be compensated to Applicant. In this case payable compensation thus comes to Rs. 3000/- ( Payable compensation of Rs. 100 per week or part thereof x 30 weeks =3000) for sport survey. In accordance with Appendix 'A' of Reg.12 of S.O.P., the D.L. is bound to communicate (Demand Note) within 30 days. In the instant case, there is delay of 34 weeks after deduction of admissible 30 days. Thus payable compensation (Rs. 100 per week or part thereof x 30 weeks delay in communication of estimate) comes to Rs. 3400/- to be paid to Applicant. Applicant made payment of demand note on 4/1/2004 and no electricity supply connected to his agricultural pump till 26/6/2008. On this count also, there is delay of 11 weeks after deduction of admissible span of time of 12 weeks. As per appendix 'A' of Reg.12.3 of S.O.P., the payable compensation shall be Rs. 1100/- Considering above mentioned defaults on the part of concerned staff/officers, total compensation to be paid to application shall be of Rs. 7500/- .

5. In view of the judgement delivered by the Hon'ble Supreme Court in Civil application No. 7633 of 2002 in Gazhiabad Development Authority -vs- Balbir Singh, Forum is of the opinion that an amount of Rs. 6400/- is to be paid to the Applicant by the concerned J.E. Karanja I working during the period from 3/4/07 to 17/12/2007. The concerned J.E./J.Es,Karanja-I working during the said period is/are held responsible by the Forum, since he has/they have failed to perform duties within stipulated period as mentioned in appendix 'A' of Sec.12 of S.O.P.
6. A perusal of circular No.43 No. PR3/COS/34587 DATE. 27/9/2006 issued by Head Office, M.S.E.D.C.L., Mumbai reveals that Applicant did not make excess fees of demand note and processing fee. The request made by him is thus rejected.
7. Applicant furnished the list of beneficiaries as placed on records( Record page No.24) . The cases as pointed out by Applicant were examined and found that all those cases are covered under zero pole category i.e. service connections and no electricity supply was made available to agricultural pump.
8. As discussed above the delay has been established and no good faith is found on the part of concerned J.E./J.Es hence concerned J.E./ JEs is/are held responsible for payment of compensation to be paid to the Applicant. As regards payment of

compensation of Rs. 1100/- to be paid to Applicant, it is recoverable from the concerned officer/officers in default.

9. As discussed above, total amount of compensation of Rs. 7500/- is to be paid to the Applicant after recovery from the officers concerned and to be paid within ninety days from the receipt of this order. The S.E., Wardha and the concerned E.E. are directed to connect electricity supply to agricultural pump in survey No. 98/3 of village Nara as early as possible and compensation shall be paid by the D.L. till connection is given to the Applicant.

With the above observations, the Forum unanimously pass the following order

**:- ORDER :-**

1. The order passed by I.G.R.C., Wardha is set aside.
2. Claim for compensation of mental torture of Rs. 10,000/- and Rs. 1,000/- as expenses is rejected.
3. Claim for refund of processing fee of Rs. 50/- with interest and also claim of excess amount paid towards demand note is also rejected.
4. Compensation of Rs. 7500/- is to be paid to the Applicant on recovery from the concerned officer/staff within ninety days as discussed above.
5. Parties to bear their own cost.

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

-:oo0oo:-

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 L.D.Dhandale, At & Post- Nara, Tah-Karanja, District-Wardha-442203.
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 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)

