

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 26/2013

Shri Kawaduji Dharma Narnaware
At.Dhamangaon (Gathe), 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 V.M.Hedao, Assistant Engineer,Hinganghat.
2) Shri Alok Karande, Junior Engineer, Hinganghat

CORAM:

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

JUDGEMENT

(Delivered on this 14th day of June, 2013)

2. Feeling aggrieved by the order passed by IGRC Wardha under No.SE/Wardha/Tech/IGRC/2390 dated 22-04-2013, the applicant presented this grievance application on 29-04-2013. Shri Kawaduji Dharma Narnaware, R/o.Dhamangaon (Gathe), Po.Mangrul, Tq.Samudrapur, Dist.Wardha, (hereinafter referred to as, the applicant) had applied to MSEDCL for new connection to his agricultural pump set. It is alleged that the MSEDCL (the respondent) had not released the connection within the time limit prescribed under the MERC (Standards of Performance of Distribution licensee, period for giving supply and determination of

compensation) Regulations, 2005. So he claimed compensation. He approached the IGRC Wardha. His application had been dismissed hence this grievance application.

3 The respondents were directed to submit parawise reply. The reply from the respondent was received under No.EE/O&M/H'ghat//Tech/2408 dated 17-05-2013. The case was taken up for hearing on 04-06-2013. Shri B.V.Betal, a representative, represented the applicant. Shri Aalok Karande, Junior Engineer, Samudrapur Sub Division represented the respondent. Both the parties were heard.

4 It was contended on behalf of applicant that he submitted an application for connection to his agricultural pump set on 11-11-2009. He received the demand note on 03-02-2011. He deposited the amount on 03-02-2011. He submitted the test report on 28-02-2011. In spite of the fact that the application was complete in all respect the respondents have not released the connection within the prescribed time frame. The applicant admitted that the connection was released on 15-03-2013. However he is entitle for compensation as provided under the S.O.P Regulations.

5. The applicant's prayer was as follows,

1) The applicant may be awarded compensation as provided under the S.O.P. Regulations. The applicant may be awarded a compensation of Rs.3.00 Lakhs towards the loss to his agricultural produce. Rs.50,000/- and Rs.40,000/- respectively may be awarded for physical and mental harassment. Rs.5000/- each may be awarded for travel expenses and the cost of the instant proceedings.

6. Shri Karande, Junior Engineer referred to the parawise reply dated 17-05-2013. It was further stated that the applicant submitted an application on 17-11-2009.

A demand note was issued on 29-01-2010. The applicant deposited the demand amount on 03-02-2011. He submitted the test report on 08-02-2011. To provide the connection to the applicant's agricultural pump, erection of 0.30 Km. L.T. line was necessary. His name was entered in paid pending list of the year 2010-2011. The applicant has not submitted any survey report of the competent authority. The connections to the agricultural pumps are released as per the orders from the higher authorities and the availability of funds under S.P.A. scheme. The work to release the connections to the applicants who have deposited the demand amount during the period from June, 2010 to March, 2011 is in progress. The electricity connection is released to the applicant on 15-03-2013. His prayer cannot be accepted. So the application may be dismissed.

7. The Technical Member of this Forum submitted the note as under,

I have gone through the documents on record & submissions made by both the parties, it is not disputed that the complainant's application was complete in all respect. However supply of electricity to agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC, Non DDF CCRF etc. The complainant's Ag pump application was sanctioned under SPA scheme. As there was huge pendency of agricultural pump applications in Hinganghat Division under SPA scheme, hence the work of laying HT/LT lines & T/F for supplying connections was carried out as per the seniority of the applications/applicants who deposited the demand amount & completed the formalities in all respect. While at the time of execution of work there were the

instances of standing crops in the field & the adjacent Agriculturist raised the objections to carry out the work, therefore the respondent had to wait till the crop season was over.

In view of circumstances mentioned above there is no intentional delay for providing electric connection to complainant's agricultural pump on the part of respondent . The respondent has provided the connection to the complainant's Ag pump as per the seniority list. As the connection is already provided to the complainant's agricultural pump on 15.03.2013.,

Therefore in my opinion, the respondent is not responsible for delay in giving supply & any losses caused to the complainant. Hence no compensation needs to be awarded to the complainant.

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

Regulation 4.5 of the MERC (S.O.P.) Regulations, 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 Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply) Regulation 2005".

9. Upon the perusal of the submissions of the respondent it reveal to provide the connection augmentation to 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 28-02-2011. So he was entitle for connection on or before 01-06-2011. The respondents released the connection on 15-03-2013. As such the applicant is entitle for compensation as provided under Regulation 12.1 and appendix A item 1 (iii). The respondent can not deny the binding effect of S.O.P. Regulations. So the note submitted by the technical member can not be considered in toto.

10. In absence of any evidence much less reliable and cogent evidence, we are not inclined to accept other claims of the applicant.

11. In view of aforesaid discussion, we pass the following order, by majority,

ORDER

- i) The application No.26 of 2013 is partly allowed.
- ii) The respondent should pay compensation @ Rs.100/- per week from 01-06-2011 to 15-03-2013 as per the provision of Regulation 12.1 of the SOP Regulations 2005.
- iii) The respondent will submit a compliance report of this order within three months from the date of receipt of the order.
- iv) No order as to cost.

Sd/-

Sd/-

Sd/-

MEMBER MEMBER SECRETARY CHAIRMAN
CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.14th day of June, 2013)

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

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cgrfnz@gmail.com

NO. CGRF/NZ/

Date :

Certified copy of order dated 14th June,,2013 in Case No.26 / 2013 is enclosed herewith.

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

To,

Shri Kawaduji Dharma Narnaware, At.Dhamangaon(Gathe), 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