

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

Shri T.M.Mantri
Chairman
(Mb)9673215771

(O) 0712- 2022198

Shri M.G.Deodhar,
Member
(M)9422805325

NO. CGRF/NZ/R/

Date :

Certified copy of order dtd 22nd August,2011 in Case No. 327/2011 is enclosed herewith.

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

Copy to:-

1. Shri R.P.Kamble, At Sawarkheda, Post Vaigaon Halda, Taluka Hinganghat, 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, 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
Ph.No.0712-2022198.

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

Application/Case No. CGRF/NZ/Rural/ **327** of 2011

- Applicant : Shri Ramkrushna Pundlik Kamble, At Sawarkheda,
Post Waigaon (Halda), Tah. Hinganghat, Dist. Wardha.
-- VS --
- Non-applicants. : 1.Executive Engineer,C.C.O&M Dn., MSEDCL, Hinganghat.
2.Executive Engineer/Nodal Officer, I.G.R.C.,
Circle Office, MSEDCL, Wardha.
- Present : 1. Shri T.M. Mantri,Chairman
2. Ms. S.B. Chiwande, Member Secy./ Exe.Egnr.
3. Shri M.G.Deodhar,Member
- Appearance. : 1. Shri B.V.Betal, Applicant's Representative.

1. Shri Sunil Fadanvis, AE, Samudrapur
For Non-Applicants.

ORDER

(Passed this 22nd day of August,2011)
(Per Shri T.M. Mantri, CHAIRMAN)

1. The Complainant has filed the present complaint in form 'A' on 30/6/2011 as per MERC(CGRF&EO) Regulations,2006 (hereinafter called the 'Regulations') for delay in supply of the Electric Connection resultantly for compensation and other relief.
2. The complainant case in brief is that he has submitted an application for Electric Connection on 11.08.2003. Demand Note was given to him in December,2006. The amount mentioned in the said Demand Note was deposited in the Bank on 22.12.2006 in the name mentioned in the Demand Note. However the clerk of the Bank has wrongly mentioned the name of the complainant as "Ramkrushna Pundlik **Sable**" instead of "Ramkrushna Pundlik **Kamble**". It was in English and the complainant being ill-literate could not locate the difference in the

name. Even the Officers of the Licensee have not pointed out the difference in name but the said receipt was accepted. According to the complainant Electric Supply was made late in his field i.e. on 17.02.2011 though the test report date was 22.02.2007.

3. He has approached Internal Grievance Redressal Cell vide his complaint on 01.04.2011. He has also made awareness in respect of pending seniority list and made submission about his approach to the Assistant Engineer at Samudrapur who is ultimately directed the Contractor resulting in supply on 17.02.2011. He requested for correction in the connection procedure as well as claim of compensation and refund of excess amount recovered from him.

4. Notice as per the provisions was given to the Licensee and on his behalf parawise comments came to file on 16.07.2011 wherein it has been stated that application for new connection submitted by Complainant on 11.08.2003 and Demand Note was given to him on 22.12.2006 after sanction of the work order. The complainant has not approached in that period hence not entitled for any relief. Further it is stated that after remitting the amount as per Demand Note on 22.12.2006 the test report was submitted on 29.02.2007. However after erecting low tension line, supply was given to the complainant on 28.02.2011. It is further stated that after remitting the amount as per Demand Note when the complainant contacted this office for Electric Supply that time it was found that the clerk of the Co-op. Bank has mentioned the name "Sable" instead of "Kamble" in the receipt. Therefore it could not be proved by the complainant that the complainant has deposited the amount. As the complainant has not deposited the amount as per Demand Note there was delay in providing Electric Supply. It is further stated that as per seniority list the Electric Supply was made on 28.02.2011 and there is no intentional delay on the part of Licensee. Hence it is not liable for the claim made by the complainant.

5. Lastly it is stated that if the excess amount is recovered from the complainant it would be refunded to him as per rules but pressed for rejection of the complaint.
6. The Complainant is represented by his representative Shri B.V. Betal, whereas Licensee is represented by Shri Sunil Fadanvis, A.E.,Samudrapur who has also produced certain documents. Heard both the representatives of the parties, who have referred to the material on record.
7. Here it is pertinent to note that ultimately the Electric Supply as per Demand Note of the complaint was made. According to the complainant it was on 17.02.2011 whereas according to the Licensee it was on 28.02.2011. Admittedly as per Demand Note the complainant has deposited the amount on 22.12.2006 and the receipt thereof is filed on record. Admittedly the Demand Note was issued in the name of complainant that is "Shri Ramkrushna Pundlik Kamble". The receipt dated 22.12.2006 for Rs. 6760/- being No. 4438576 has been filed on record bearing the name "Shri Ramkrushna Pundlik Sable". Admittedly there is difference in surname in the receipt but that was submitted by the complainant with the Licensee. The contention of the complainant as well as argument that he is ill-literate and unable to locate this mistake committed by the clerk of Bank while writing the said receipt is remained un-rebutted. The said receipt was deposited/submitted in licensee's office. No argument on this point has been advanced from the side of Licensee. Even in parawise comments this has not been contraverted but the fact remains that the complainant has submitted the receipt to the Licensee and even as contended in parawise reply it is clear that after depositing the amount, complainant had approached the office of Licensee for Electric Supply and that time it was found that Bank has committed mistake. In spite of such reply, raising of grounds on behalf of Licensee that it was not proved the complainant has deposited the amount as per Demand Note, hence the supply of electricity to the complainant was pending can not be accepted. The copy of the Demand Note is not produced on record. In view there

of version of the complaint has to be accepted. For the mistake committed by Clerk of the Bank in mentioning name of complainant as “Sable” in the receipt, Complainant can not be put to sufferance. Like was the submission made on behalf of the complainant about delay in giving Electric Supply to him on that ground needs to be accepted. There appears to be substance in his grievance. The contention and submission made on behalf Licensee that it was not proved that the complainant has deposited the amount as per Demand Note hence the providing of Electric Supply was pending, can not be accepted.

8. As per submission made which is not in dispute that the test report dated 12.02.2007 came to be submitted on 22.02.2007. This has been also reflected from the order dated 03.06.2011 passed by the I.G.R.C. From the side of the Licensee no just, cogent and sufficient reason has been placed either in reply or even in course of argument for such an in-ordinate delay. Considering the submission here in the case extension of distributing main line was required and the period there of under Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensee, Period of giving Supply & Determination of Compensation) Regulation,2005. at the most three months time from the date of receipt of complete application and payment of charges, by Feb.,2007 i.e. as per test report it was made on 22.02.2007 if three months period there from is taken in the consideration, it means till the end of May,2007. According to the complainant the Electricity Supply was made on 17.02.2011 whereas according to the Licensee it was on 28.02.2011. So there is inordinate delay on the part of the Licensee.
9. The next grievance of the complainant is pertaining to recovery of excess amount from him. Admittedly Rs. 6760/- has been paid on 22.12.2006 vide receipt referred to above. The Complainant has raised that Rs. 2460/- has been recovered excess from him. In the complaint in form “A” he has simply stated about excess amount of Rs. 2460/- claimed from him. However in the complaint with the said form no

details thereof have been given. On behalf of Licensee the original documents came to filed which includes the proforma of the Estimate of Quantities for Service Connection and Application for Work order and Completion Report which shows amount of Rs. 5850/-. Similarly it is pertaining to note that in parawise reply also it is stated on behalf of Licensee that if the excess amount recovered from the complainant the same will be refunded as per rules. During course of argument also query was made in that behalf and it has been submitted that the excess amount will be adjusted in the electric bill of the complainant. At this stage it is also necessary to note that in the order passed by .IG.R.C. it is clear that such submission was also made before the said Cell and therefore in last but one para of the first page there is reference to that effect. From this it is clear that excess amount has been recovered from the complainant. But at the same time the complainant could not establish that the amount of Rs. 2410/- has been recovered in excess from him. Considering the available material on record and more particularly the test report, estimate for Rs. 5850/- it seems that the amount of Rs.910/- has been recovered in excess from the complainant as he has deposited Rs. 6760/-. The only reason given by the I.G.R.C. for rejecting the claim of the complainant in its order dated 03.06.2011 does not appear to be correct. More particularly by that time the electric supply was already made i.e. on 17.02.2011 as per complainant and on 28.02.2011 as per Licensee. Here it is also be noted that the correct bill in the name of the complainant are being issued and it has been submitted on behalf of Licensee that the connection is also made in the name of the complainant. In view thereof the grievance of the complainant for connection in his name and asking of bills in his name, is already satisfied. Hence question only remains in respect of compensation payable to the complainant and direction in respect of excess amount recovered from him.

10. As already observed above, the connection ought to have given till the end of May,07. So the Complainant is entitled for compensation of Rs. 100/- per week for the period

from June,07 till 17.02.2011. So also the complainant is entitled for refund of excess amount of Rs. 910/- as observed above. Lastly following order needs to be passed.

11. According to the Member Secretary there is no intentional delay in giving supply of electrical line to the Complainant and hence the Distribution Licensee is not liable for any compensation. With this dissenting observations of the learned Member Secretary this Forum is passing the order two against one as under :-

. **:- ORDER :-**

1. Complaint is partly allowed.
2. Respondent Licensee is directed to pay compensation of Rs. 100/- per week from 1st June,2007 till 17.02.2011 within the stipulated period as per rules.
3. Respondent Licensee is further directed to adjust the excess amount of Rs. 910/- received from the complainant in the next bills in two installments.
4. Parties to bear their own cost.

Sd/-
MEMBER

Sd/-
MEMBER/SECY

Sd/-
CHAIRMAN

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

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