

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 30/2013

Smt. Saraswatibai Daulatrao Lajurkar
At. Po.Girad
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) Dr.Shri N.N.Behare

Respondents represented by 1) Shri M.S.Vaidhya, Executive Engineer, Hinganghat

2) Shri P.R.Parankar,Junior Engineer,Girad Dist.Centre.

CORAM:

Shri Vishnu S. Bute, Chairman.

Adv. Gauri D. Chandrayan, Member

Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 02nd day of July, 2013)

2. Smt. Saraswatibai Daulatrao Lajurkar At. Po. Girad Tq. Samudrapur Dist. Wardha (hereinafter referred to as, the applicant) is an agriculturist. She applied for electricity connection to her agricultural pump set. She alleged that the connection was never released, however the respondent MSEDCL started sending her the electricity bills.

She approached the IGRC Wardha. The IGRC passed order under No.SE/Wardha/Tech/IGRC/2089 dated 16-04-2013. The order is as follows (i) Penal

action should be initiated against the Junior Engineer, who sent the wrong report. (ii) Electricity supply should be released by providing the service wire and by affixing the meter. (iii) The applicant was not given the electricity supply so a request for fuse off call can not be considered. (iv) Compliance report should be submitted within 30 days.

Feeling aggrieved by this order the applicant submitted the grievance application under the provisions of Regulation 6.4 of the MERC (CGRF & E.O.) Regulations 2006. Her prayer was as under, (i) The electricity supply was never given to the pump set. So the electricity bills given to her may be quashed. (iii) She may be awarded compensation @ Rs.100 for the period from 01-12-2006 to 01-05-2013 (332 weeks) and Rs. four lakhs may be awarded towards the loss to agricultural produce.

3. A notice was issued to respondent MSEDCL. The respondent submitted parawise reply to the application under No.EE/O&M/Hinganghat/Tech/2494 dated 21-05-2013. The case was fixed for personal hearing on 04-06-2013. Dr. Shri N.N. Behare, authorized representative was present for the applicant. Shri Aalok Chandrashekhar Karande, Junior Engineer, Hinganghat Division was present for the respondent. Dr.Behare argued the matter. Shri Karande requested for adjournment. The request was accepted and the hearing was adjournment. On 17-06-2013 nobody was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat Division and Shri P.R.Parankar, Junior Engineer, Girad distribution centre were present for the respondent. Presuming that the applicant had nothing to say anything more, the respondents were heard.

4. The member and the technical member of the Forum have recorded their opinion as under,

In the present grievance, the applicant has demanded compensation for loss of Agricultural production for past four years amounting to Rs.4.00 Lakhs & Compensation @Rs.100/- per week as per SOP Regulations 2005 from 01.12.06 to 01.05.2013 for delay in getting supply to her Ag pump.

We have perused the order passed by IGRC on Dt.06.04.2013 in respect of complaint filed by the applicant on 12.02.2013. The 4th para of IGRC's order reads as follows

vt hnkj kps rdkjhud kj R; kps d"kh i kl kBh oht i j oBk fn- 17-01-2009 yk dY; kps nk[kou R; kau xkgd da 387160101277 o feVj da 6516122350 ps nj fru efgU; kyk oht oki j nk[kou fcy ns ; kr ; r vkg; eh vud oGk fxjM o l eqi j dk; ky; kr tkÅu oht l # dj. ; kph fourh dsh- i j r q v | ki oht i j oBk feGkyk ukgh- ehVj ?kj h i Mu vkgsoht i j oB; k vHkkoh 'krekykps o"kkar #-4 yk[k ps vkFkh d upl ku >kys **eyk 1; q dly vrxr fn- 17-01-2009 i kl w vkt lk; r Hlji kbz ns ; kr ; koh-** v' kh rdkj hr ekx. kh dj. ; kr vkyh vkg;

From above it is clear that the demand of compensation made by the applicant before IGRC was under Fuse off call category presuming that the supply was connected on 17.01.2009 & it was disrupted from the very first day as it was not actually connected. On the contrary, the demand made before this Forum is for delay in giving supply .

It further reveals from the documents available on record that the applicant had submitted application on 07.08.2006 to the respondent. The applicant has also

submitted a sheet which contains details of Consumer ,Dt of payment Dt. of submission of test report etc. The sheet shows that the estimate for supplying connection to applicant's Ag pump was sanctioned under EE/05 Dt.09.10.2006 along with 4 other applicants of Girad Village. Thereafter the demand was issued , payment was made by the applicant on 16.11.2006 & subsequently test report was submitted on 01.12.2006.The line was made ready ,however the infrastructure sanctioned for group was not shown in the sheet. It was also stated that one meter was issued & the same was given to the applicant ,which is in her custody even now. Though the meter was lying at the house of the applicant ,however the respondent issued the bills on quarterly basis presuming that the supply was given to her Ag pump on 17.01.2009 without being actually connected. This act of the respondent was not in consonance with the provisions laid down in regulations .It is also not known why the applicant has not complaint to any office of the respondent about receiving of such illegal bills without being connected for 4 years altogether. She stated that the remaining applicants got connection & they are using electricity from last 4 years. It is therefore clear that Bills are wrongly issued by the respondent.

Now the question remains in relation to connection of the applicant's Ag pump. As the respondent ,by mistake had shown that the applicant got supply on 17.01.2009,therefore her name was automatically deleted from paid pending list. In the mean time the respondent's paid pending list move much ahead, it has been carrying out the work of consumer's who have paid the demand upto March 2011.

In view of above we are of the opinion that ,the applicant had not raised any protest or complaint in respect of the said illegal bills ,to the respondent at that time. It is only when the applicant approached to IGRC in February 2013 mentioned about receiving of bills from the year 2009 without being actually connected. Under these circumstances it is just & fair to conclude that ends of justice will be met if the relief is granted in relation to quashing of all the bills issued by the respondent ,also the direction to respondent to release the connection to the applicant's Ag pump as the line is already there to provide electricity to her Ag pump.

There is no case of granting any further relief or compensation. Because on one hand applicant questions about releasing of supply to her Ag pump from past 4 years & demanded compensation under Fuse off call category before IGRC. At the same time ,she has asked compensation for alleged delay of supply before this Forum. The two demands run contrary to each other .Hence the applicants prayer of granting compensation is therefore rejected. The respondent should release the Ag. Pump connection within 15 days from the date. of order.

5. After hearing the parties and upon perusal of the record, we have framed the following issues for consideration,

- | | | |
|-------|--|-----------------------------------|
| (i) | Whether the bills issued to the applicant are liable to be quash and set aside ? | Yes |
| (ii) | Whether the applicant is entitle for compensation ? | Yes |
| (iii) | What order ? | The application is partly allowed |

REASONS

6. (i) Dr. Shri Behare submitted that the applicant submitted an application for supply of electricity to her agricultural pump. She deposited the amount as per demand note on 16-11-2006. She submitted the test report on 01-12-2006. Sometime in Jan.2009, some employees of the respondent came to the residence of the applicant. They kept the electric meter packed in a box. They told they would come and fix the meter later on. However till today the electricity supply is not released. The meter is packed in the box, as it was. The pump set is not working. The electricity supply was not given affixing a service wire from the pole to the pump set. He produced one photograph showing the applicant and box containing the electricity meter. He stated that the bills given to the applicant are improper and fictitious. He stated that the submissions of the respondent (Executive Engineer, Hinganghat) are wrong and baseless. It is not true that the applicant herself removed the meter. The crops taken by the applicant were rainfed crops. Shri Parankar, drew a panchanama of the meter lying at the house of the applicant on 20-05-2013. The panchanama clearly show that the meter is lying at the house of the applicant. He lastly urged that the bills given to the applicant are fictitious. Those need to be quash & set aside.

Shri Vaidya, refuted the claim of the applicant. He reiterated the written reply dated 21-05-2013. It was stated that the supply to the agricultural pump of the applicant was released on 17-01-2009. After receipt of the report from the Junior Engineer, Girad the power billing started. The applicant had not submitted any complaint about non release of the supply during 17-01-2009 to 07-02-2013. Upon the receipt of the

complaint dated 07-02-2013 an enquiry was conducted. Thereafter it was noticed that the applicant herself removed the meter. She obstructed to reinstall the meter. On perusal of the VF VIIIXII it is seen that the applicant took crops in her field. This show that the electricity supply was there. The applicant submitted the complaint after a period of two years. So as per MERC Regulations it may be dismissed.

We have considered the arguments. We have perused the record.

On perusal of the order of the IGRC Wardha dated 06-04-2013, it reveal Shri Bhakare, Assistant Engineer, Samudrapur represented the respondent. The order reads,
 B xsvtZkjkrQzmi fLFkr Jh Hkkdj} l gk; d vfhk; rk l enq;g ; kuh vgoKy l knj dsk o l kxrysdhj rØkjdr; kZsf-17-01-2009 jksh feVj ykmu fot i jpbk fnY; kpk vgoKy R; k oSpsdfu'B vfhk; rk fxjM ; kuh l knj dsk R; kuhkj R; kpsfcyha pkyqdj.; kr vkyS i jrW l nj xkgdkph rØkj i dr >KY; koj pksl"th dsh vl rk vk<Gysdhj xkgdlyk feVj ns; kr vkyS i jrW foZ ok; j Vkdq fot i jpbk pkyvdj.; kr vkyk ukgh R; keGspksl"th d: u l ci/krkoj dlkjokbZdj.; kr ; bZ- rl p feVj ykmu fot i jpbk pkyvdj.; kP; k l puk ns; kr vky; k vkgS- xkgdlyk ; k vxksj i kBoysfcy jnæ dj.; kr ; bZ] vl sl kxryS-

Here Mr. Bhakare, Assistant Engineer, of the respondent company clearly admitted that a meter was handed over to the applicant. However the electricity supply was not connected by affixing a service wire. He also admitted to cancel the electricity bills given to the applicant.

Taking into consideration the facts of the case, the IGRC passed the order which reads,

½ I foZ ok; j o feVj ykmu fot i jpbk pkyvd: u R; kpk vgoKy i kBokok-

The applicant submitted one photograph. It was stated that the meter is still lying at the house of the applicant.

On 20-05-2013, Shri P.R.Parankar, Junior Engineer drew a panchanama of the meter at the residence of the applicant. It reads, *Bi kp o'kZotZfeVj½ Jh emsykbZeu ; kuh Jh I jsk nksrjko yktppjdmsfnyso R; kuh I kixrysdh] Jh Vske ykbZeu yloq nbsZ- rkg Vske dmsfxjM gMDokVZ gks*

This clearly show that the meter was at the residence of the applicant.

On the date of hearing Shri P.R.Parankar, Junior Engineer, Girad distribution centre was present. He is the officer of the respondent company who drew panchnama on 20-05-2013. He is the officer incharge responsible for electricity supply to the village of the applicant. He was specifically asked whether the meter was installed and whether the power supply was actually given to the applicant. Shri Parankar admitted that the meter was not installed. The power supply was not connected to the pump set of the applicant. Shri Vaidya, Executive Engineer also agreed with the statement of Mr. Parankar.

From the aforesaid discussion, it is ample clear that the electricity supply was never given to the pump set of the applicant.

As discussed in the foregoing paras neither the meter was installed near the agricultural pump set of the applicant nor the electricity supply was connected to the pump set. However the respondents issued the electricity bills to the applicant. Copies of the bills pertaining to the months September 2011, December 2011, March 2012, December 2012 are placed on record.

When the electricity supply was not given to the applicants, the bills issued are in contravention of the provisions contained in Regulation 9.1 of the MERC (standards of performance of distribution licensee, period for giving supply and determination of compensation) Regulations 2005 and Regulation 14.3 and 15 of the MERC (Electricity supply code and other conditions of supply) Regulations 2005. As such the bills are illegal and void. So the bills deserves to be quash and set aside.

So the issue No.i is answered in affirmative.

7. (ii) The applicant produced one xerox copy of the paid pending list. Name of the applicant appear in the list at Sr.No.17. It is mentioned that the applicant made payment on 16-11-2006 and she submitted test report 01-12-2006. Naturally she was entitle for connection on or before 01-03-2007. Since she was not given the connection she is entitle for compensation as per Regulation 4.5 read with Regulation 12 of the SOP Regulations 2005,

So issue no. ii is answered in the affirmative.

8. We have perused the order dated 06-04-2013 passed by the IGRC Wardha. The order is perfectly legal and proper. So we confirm it.

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

10. As per the provisions contained in Regulation 8 of the MERC (CGRF & E.O.) Regulations 2006, the decision is to be taken by the majority of votes of the members. In the instant case the Chaiman is of the opinion that the applicant is entitle for

compensation under Regulation 4.5 read with Regulation 12 of the SOP Regulations 2005. However the member and the technical member did not agree with it.

11. So we pass the following order, by majority,

ORDER

- i) Application No.30 of 2013 is partly allowed.
- ii) All the electricity bills issued to the applicant by the respondent MSEDCL are hereby quashed and set aside. .
- iii) The respondent should release the Ag. Pump connection within 15 days from the date of order.
- iv) In the facts and circumstances of the case there shall be no order as to cost.

Sd/-
(Adv.Gauri D.Chandrayan)
MEMBER

Sd/-
(Ms.S.B.Chiwande)
MEMBER SECRETARY

Sd/-
(Vishnu S. Bute)
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.02nd day of July, 2013)

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

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 02th July,,2013 in Case No.30 / 2013 is enclosed herewith.

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

To,
Smt. Saraswatibai Daulatrao Lajurkar, At.po.Girad 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

