

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 50/2013

Shri Nilesh Wamanrao Khadse
At. Shivni, Po. Khandala
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. N.N. Behare

Respondents represented by 1) Shri M.S. Vaidhya, Executive Engineer, Hinganghat
2) Shri H.M. Patil, Junior Engineer, Samudrapur.

CORAM:

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

JUDGEMENT

(Delivered on this 26th day of July, 2013)

2. The applicant is a farmer. He applied to the respondent MSEDCL for electric connection to his agricultural pump set. It is alleged that the connection was not released within the prescribed time limit. So he is entitled for compensation. In addition to this the applicant transported the poles. He had paid the rent to the tractor owner. He claimed the reimbursement of the amount. The applicant approached IGRC Wardha. IGRC passed the order under No. SE/Wardha/Tech/IGRC/2712 dated 09-05-2013. Feeling aggrieved by the aforesaid order the applicant presented this grievance application in prescribed schedule A on 13-06-2013.

3. The respondent submitted the parawise reply to the grievance application under No.EE/O&M/H'ghat/Tech/3451 dated 06-07-2013. The case was fixed for personal hearing on 22-07-2013. Dr.N.N.Behare authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri H.M.Patil, Junior Engineer, Samudrapur were present for the respondents. Both the parties were heard.

4. Dr. Behare contended that the applicant submitted an application for supply of electricity to an agricultural pump on 27-11-2009. He deposited an amount as per the demand note on 10-01-2011. He submitted the test report on 06-07-2011. Dr.Behare argued that the application was complete in all respect and all the required formalities were completed. So he was entitle for connection within the time frame prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005.

It was further argued that the contractor asked the applicant to bring the cement poles from village Kandhali. The applicant engaged a tractor to transport the poles. He had to pay Rs.2600/- to the tractor owner. The applicant is entitle for reimbursement of this amount.

5. In reply it was stated by the respondent that the applicant submitted the application on 27-11-2009. He was given demand note on 08-11-2010. The applicant deposited the amount on 10-01-2011. He submitted the test report on 06-07-2011.

To provide the connection to the applicant it was necessary to construct a 25 KVA transformer. Further more it was also necessary to lay H.T. line admeasuring 0.24 k.m. and L.T. line admeasuring 0.06 k.m. After completing the required formalities

the power supply was given to the applicant on 16-02-2013. The applicant alleged that the meter was not installed in his field. However this is not true. The respondent submitted a photograph showing the meter installed in the field of the applicant.

The respondent further stated that it is the responsibility of the contractor to transport the poles. Nobody from the office of the respondent asked the applicant to transport the poles. The respondent produced one xerox copy of the statement of a person who transported the poles for the contractor.

The respondent stated that the application has no force it may be dismissed.

6. The technical member of this forum submitted a note which reads 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 completed in all respect on 06.07.2011, the date on which the test report has been submitted by him to the respondent's office. However the supply of electricity to the 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 & due to objections raised by the adjacent Agriculturist, the respondent had to wait till the crop season is over to carry out the work.

In view of circumstances mentioned above in my opinion there is no intentional delay for providing electric connection to the complainant's agricultural pump on the part of respondent . The respondent has provided the connection to the complainant's Ag pump on 16.02.2013 as per the seniority list. As the connection is already given to the complainant's agricultural pump, no compensation needs to be awarded to the complainant.

7. We have perused the record. We have heard the arguments advanced by both the parties. It is admitted position that the applicant submitted an application in the prescribed form. He deposited the amount. He submitted the test report. So it is ample clear that the applicant submitted the application which was complete in all respect.

The applicant clearly stated that the connection is not released till now. The applicant submitted this application on 13-06-2013. However except his plain statement, there is no oral or documentary evidence in support of his statement.

On the contrary the respondent stated that the connection was released on 16-02-2013. The applicant submitted a certificate dated 09-06-2013 issued by Police Patil Shivni. It reads, "----- एल.वी. दुब"कु फनसुवगसि .क "कस्कर एल.वी. दुब"कु फनसुवगसि" The Police Patil issued a certificate again on 06-07-2013 it say, "----- इ.वे./; सेल.वी. उ.ग.र.स. ए.क. ए. एल.वी. उ.ल.य.; क.न.य. इ.क.कि = फनसुवगसि इ.ज.र.व.र.; क.र.ज. इ.क.क. द.श. व.ल.र.क. ज.ह. फु.य.स.क. ओ.कु [म.ल.स.; क.सेल.वी. व.न.क.स.फ.न-17-04-2013 य.क. एल.वी. य.क.य.स.क.स. Both the certificates are issued by the same of Police Patil. However the contents are totally contradictory. So both the certificates are not reliable.

The respondent clearly stated that the electricity connection was given on 16-02-2013 . In the order dated 09-05-2013 the IGRC also observed and confirmed that the connection was released on 16-02-2013. The respondent submitted a copy of the photograph which show the electricity meter installed in the land of the applicant. In view of the aforesaid position, we conclude that the respondent released the connection on 16-02-2013.

Regulation 4.6 prescribed the time limit for release of connection it reads as under,

“4.6 where the supply of electricity to a premises requires commissioning of a new sub station forming part of the distributing system, the distribution licensee shall give supply to such premises within one (1) year from the date of receipt of complete application in accordance with the Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply) Regulations, 2005.”

In the instant case the applicant submitted the test report on 06-07-2011. In view of the provision of Regulation 4.6 the connection was required to be given within one year i.e on or before 06-07-2012. However the connection was released on 16-02-2013. So he is entitle for compensation as provided under Regulation 12 and appendix A item 1 (iii) attached to the said Regulations for the period from 07-07-2012 to 16-02-2013.

The applicant stated that he transported the electricity poles. He produced the Xerox copy of a receipt issued by one tractor owner. The respondent resisted the claim. It was stated that the work was entrusted to a contractor, Shri Dixit by name. The

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

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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 26th July,,2013 in Case No.50 / 2013 is enclosed herewith.

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

To,
Shri Nelesh Wamanrao Khadse, At.Shivni, Po.Khandala,
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

