

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 61/2013

Shri Sunil Dadaji Ghumade
At.Po.Waigaon(Halda)
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 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 06th day of August, 2013)

2. Shri Sunil Dadaji Ghumade (hereinafter referred to as, the applicant) applied to the distribution licensee MSEDCL (hereinafter referred to as, the respondent) for new connection to his agricultural pump set. It is the contention of the applicant that the respondents have not given him the connection till now. As such he is entitle for compensation as provided under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. He approached the IGRC Wardha. His application had been dismissed vide order passed under no.SE/Wardha/Tech/IGRC/3326 dated 04-06-2013. Feeling

aggrieved by this order the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006.

3. A notice was given to the respondent. The respondent submitted reply under no.EE/O&M/H'ghat/Tech/3791 dated 26-07-2013. The case was fixed for personal hearing on 06-08-2013. Dr.N.N.Behare, authorized representative, represented the applicant. Shri H.M.Patil, Junior Engineer, Samudrapur represented the respondent. Both the parties were heard.

4. It was argued for the applicant that he submitted an application for electricity supply to an agricultural pump.. He deposited the amount as per demand on 07-06-2012. He submitted the test report on 14-06-2012. Shri Behare contended that the application was complete in all respect and the applicant completed all required formalities. As such he was entitle for connection within the time limit prescribed under Regulation 4 of the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. The respondents have not released the connection till today. So he may be given a compensation as provided under the Regulations. The compensation may be given upto the date of this order now. The respondents may be directed to give the remaining amount as soon as the connection is released to the applicant.

5. In reply the respondent submitted that the applicant submitted the application on 07-05-2012. A demand note was issued on 25-05-2012. The applicant deposited the amount on 07-06-2012 and he submitted the test report on 14-06-2012.

It was further stated that to provide the connection to the applicant it is necessary to lay L.T. line admeasuring 0.06 k.m. His name is entered in the paid pending list of 2012-13 at Sr.No.71.

It was further submitted by the respondent that as per the request of the applicant the estimate has been sanctioned under NON DDF (CC & RF) scheme under no.EE/O&M/HGT/ARR/NON DDF/CC&RF/13-14/91 dated 23-07-2013. Now the applicant is supposed to execute the work himself. The expenditure incurred by the applicant will be reimbursed as per the MSEDCL order. So as soon as the applicant execute the work, supply will be given to him immediately.

In view of the aforesaid submissions the applicant is not entitle for any compensation. However if at all the forum concludes that the applicant is entitle for compensation. It may be given till the date he executed the agreement with the respondent i.e. upto 10-05-2013.

6. The technical member of the forum submitted a note as under,

I have gone through the documents on record & submissions made by both the parties, it is not disputed that the applicant has completed all the formalities for getting electric connection to his Ag pump. However the supply of electricity to agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC, Non DDF CCRF etc . As per the fund provision & the options given by the applicant ,the Agricultural pump applications are categorized into the respective scheme category. Accordingly the estimates got sanctioned & demand notes are issued. After that the applicants

deposited the amount , paid pending seniority list is prepared by the respondent & ultimately the work is being executed as per the said list. In this case, it appears that the applicants Agricultural Ag pump application was initially got sanctioned under SPA-PE scheme .As per the said scheme ,the respondent has to carry out all the work . There appears huge pendency in SPA-PE scheme, hence the respondent has entrusted the work to the Agency to carryout it under 100% turnkey contract. At present, the work of laying HT/LT lines & further electrification of Ag pump is in process ,where payment was made during the period from April 2011 to November 2011.The applicant had deposited the amount on 07.06.2012.The applicant's name was included in paid pending seniority of the year 2012-13.It is observed from above that the applicant's turn is yet to come, it may cause further delay in getting supply to his Ag pump due to huge pendency of Ag pump applications .The applicant might aware of above ,he therefore applied under NON DDF CCRF scheme on 10th May 2013.

MSEDCL's circular 22197 of 20.05.2008 regarding NON DDF CCRF Scheme , gives option to applicants to carry out the works, get supply early and get refund of the costs incurred, through future electricity bills.

Accordingly ,the applicant entered into new agreement with the respondent MSEDCL.As per the said scheme ,the applicant has to carryout the works himself & get the connection early as soon as he completes the work.

In view of circumstances mentioned above ,we can not held the respondent responsible for providing electric connection to the applicant's agricultural pump since

the applicant is required to carryout the work himself, get early supply & refund of the costs incurred through future electric bills under NON DDF CCRF.

Moreover the complainant's cause of grievance about payment of compensation for delay in giving supply will arise only when supply is given to him. In this case the supply is not yet given. The complainant's prayer for compensation for delay in giving supply is premature, in view of the order passed by Hon'ble Electricity Ombudsman, Mumbai in representation No. 32/2010 & other representations were similar issues are being involved.

In view of above I am of the opinion that the respondent is not responsible for delay in giving supply & any losses caused to the applicant. Hence in my opinion the applicant is not entitled for compensation.

7. We have perused the record. We have heard the arguments advanced by both the parties.

It is admitted position that the applicant submitted the application in the prescribed form. He deposited the amount as per rule. He submitted the test report. His name is also entered in the paid pending list prepared by the respondent. So it is clear that the application submitted by the applicant is complete in all respect.

Regulation 4.5 prescribe the time limit for release of connection. It reads as under,

4.5 Where the supply of electricity to a premises require 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 MERC (Electricity supply code and other conditions of supply,) Regulations, 2005.

After hearing the parties and on perused of the record it reveal the applicant had submitted the complete application. All the required formalities were completed on 14-6-2012. The respondents have not released the connection till today.

The respondent argued that the applicant himself agreed to execute the work to lay the distribution mains at his own cost. He executed the agreement on 10-05-2013. So he is not entitle for any compensation or the compensation may be awarded upto 10-05-2013.

The aforesaid argument on the part of respondent has no force. The provisions under Regulation 4.5 are very clear. As per the provision if the extension or augmentation of distributing mains is necessary the distribution licensee shall give supply within three months. There is no provision under which scheme or by whom the work is executed.

So the applicant was entitle for connection within a period of three months from 14-06-2012. The applicant has not been given connection till now. So he is entitle for compensation as provided under Regulation 12 and appendix A item 1 (iii) attached to the said Regulations from 15-09-2012 till electric connection is actually released to the applicant.

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

9. The respondent can not deny binding effect of SOP Regulations. So the note submitted by technical member can not be considered in toto.

10. In view of the position discussed above we pass the following order, by majority,

ORDER

- i) Application No.61 of 2013 is partly allowed.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 15-09-2012 to 06-08-2013. The payment shall be made within ninety days from the receipt of this order.
- iii) The respondent shall pay the remaining amount of compensation as soon as the connection is released to the applicant.
- iv) No order as to cost.

Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u>	Sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u>	Sd/- (Vishnu S. Bute) <u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.06th day of August, 2013)</u>		

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

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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 06th August,2013 in Case No.61 / 2013 is enclosed herewith.

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

To, Shri Sunil Dadaji Ghumade,At. Po.Waigaon(Halda), 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