

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 82/2013

Shri Waman Mahadeorao Choudhari
At.Dasoda, 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

Respondents represented by

1) Shri B.V.Betal, Authorized representative

1) Shri M.S.Vaidya, Executive Engineer, Hinganghat

2) Shri G.H.Bhagwat, Assistant Engineer, Samudrapur

CORAM:

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

JUDGEMENT

(Delivered on this 28th day of October, 2013)

2. Shri Waman Mahadeorao Choudhari (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 entitled 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/4914 dated 30-08-2013. 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/5093 dated 30-09-2013. The case was fixed for personal hearing on 25-10-2013. Shri B.V.Betal, authorized representative, represented the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri G.H.Bhagwat, Assistant 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 on 30-12-2010. A demand note was issued on 04-03-2011. He deposited the amount as per demand on 03-05-2011. He submitted the test report on 16-05-2011. Shri Betal 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 compensation as provided under Regulation 12 may be awarded to him. It was further submitted that the compensation may be ordered to be paid till the date of the order of the forum. The respondent may be directed to pay the remaining amount as soon as the connection is released to the applicant. The respondent may be directed to release the connection immediately. The applicant also claimed

compensation of Rs.2 Lakhs towards loss to the agricultural produce, Rs.50,000/- and Rs.40,000/- respectively towards physical and mental harassment, Rs.5000/- each for travel expenses and the cost of this proceeding.

5. In reply the respondent submitted that the applicant submitted the application on 30-12-2010. A demand note was issued on 23-02-2011. The applicant deposited the amount on 03-05-2011 and he submitted the test report on 16-05-2011.

It was further stated that to provide the connection to the applicant it is necessary to lay L.T. line admeasuring 1.08 k.m. and H.T. line admeasuring 0.9 k.m. Construction of 25 KVA transformer is also necessary to provide supply to the applicant His name is entered in the paid pending list of 2011-12 at sr.no.77. The connections are released as per the orders from the higher authorities, the availability of funds under SPA scheme. The work to release connections to the applicants, who have deposited the amount during June 2010 to March 2011, has been taken in hand. The contractor went to the spot to lay the electric line. However the applicant gave in writing that there are standing crops in the fields. So the work can not be executed till February-March, 2014. There is no delay in release of connection to the applicant. So he is not entitle for any compensation. The application may be dismissed.

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 complainant has completed all the formalities for getting electric connection to his Ag pump. However supply of electricity to agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC, Non DDF CCRF

etc . At present, there seems to be huge pendency of agricultural pump applications in Hinganghat Division under SPA scheme ,hence the work of laying HT/LT lines & T/F for supplying connection is entrusted to the agency & is being carried out as per the seniority of the applications/applicants who have deposited the demand amount & completed the formalities in all respect. While at the time of execution of work (as per seniority list) there are the instances of standing crops in the field ,the objections are being raised by the adjacent Agriculturist, hence the respondent has to wait till the crop season is over to carry out the work. In this case the complainant himself stated that because of standing crops in his field, electric line work could not be carried out till the crop season is over i.e. upto February-March-2014.

In view of circumstances mentioned above, we can not held the respondent responsible for the delay for providing electric connection to the complainant's agricultural pump. The respondent shall provide the connection to the complainant's Ag pump as per the seniority list, otherwise it will cause great injustice on the part of other applicants who have paid the demand prior to the complainant.

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.

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 complainant. Hence in my opinion the complainant 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 4.6 prescribe 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 distribution 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.

After hearing the parties and upon perusal of the record it reveal the applicant had submitted the complete application. So he was entitle for connection within a period of one year from 16-05-2011. The respondents have not released the

connection till today. So he is entitle for compensation as provided under Regulation 12 and appendix A item1 (iii) attached the said Regulations.

The contention that as there are standing crops in the fields it is not possible to execute the work. As such the applicant is not entitle for compensation has no force because the Regulations did not provide such exemption.

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.82 of 2013 is partly allowed. The applicant is entitle for compensation from 17-05-2012 till the connection is released to him.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 17-05-2012 to 28-10-2013. The payment shall be made within ninety days from the date of 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.28th day of October, 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 28th October,,2013 in Case No.82 / 2013 is enclosed herewith.

Member,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Waman Mahadeorao Choudhari, At.Dasoda.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