

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/5095 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 V.M.Hedau, Assistant Engineer, Hinganghat 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 09-06-2010. He got demand note on 19-10-2010.. He deposited the amount as per demand on 26-11-2010. He submitted the test report on 25-04-2011. 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 released connection on 19-06-2013. So compensation as provided under Regulation 12 may be awarded to him. The applicant also claimed compensation of Rs.2 Lakhs towards loss to his 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 instant proceeding.

5. In reply the respondent submitted that the applicant submitted the application on 09-06-2010. A demand note was issued on 20-10-2010. The applicant deposited the amount on 26-11-2010 and he submitted the test report on 25-04-2011.

It was further stated that to provide the connection to the applicant it was necessary to lay L.T. line admeasuring 0.48 k.m. His name was entered in the paid pending list of 2010-11. 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 applicant has been given a connection on 19-06-2013. 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's application was complete in all respect on 25.04.2011, the date on which the test report had 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 entrusted to the agency & 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 observed 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 19.06.2013 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 the application in the prescribed form. He deposited the amount as per rule. He submitted the test report. His name was 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 upon perusal of the record it reveal that the applicant had submitted the complete application. So he was entitle for connection within a period of three months from 25-04-2011. The respondents have not released the connection within the period of three months from 25-04-2011. So he is entitle for compensation as provided under Regulation 12 and appendix A item1 (iii) attached the said Regulations.

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.83 of 2013 is partly allowed. The applicant is entitle for compensation from 26-07-2011 till the connection is released to him.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 26-07-2011 to 19-06-2013. The payment shall be made within ninety days from the date of receipt of this order.
- iii) 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.29th 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 29th October,,2013 in Case No.83 / 2013 is enclosed herewith.

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

To,
Shri Shri Bharat Narayanrao Thatekar, At.Selu, Po.Sawali(Wagh), Tq.Hinganghat,
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