

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/5/2017

Applicant : Shri Suryabhan M.Ade
At.Sonegaon,Po.Sirasgaon
Tq.Hinganghat
Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL, Hinganghat.

Applicant's Representative :- Shri Betal,

Respondent by:- 1) Shri Pawade, E.E.,Hinganghat Dn.
2) Shri Awachat, DyEE Hinganghat(R) S/Dn.

Quorum Present : 1) Shri Shivajirao S.Patil
CHAIRMAN

2) Mrs.V.N.Parihar
Member/Secretary

3) Shri N.V.Bansod,
Member

ORDER PASSED ON 27.02.2017.

1. The applicant filed present grievance application before this Forum on 10.01.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that he applied for agricultural connection on 23-02-2011. Demand was issued on 08-07-2014. Therefore he approached first to CGRF Nagpur Rural Zone Nagpur vide case No.85/2014 for compensation for late demand.

CGRF Nagpur Rural Zone Nagpur dismissed case No.85/2014 as per order dated 12-09-2014 and did not grant compensation for late demand. Applicant filed representation No.77/2015 before Hon'ble Electricity Ombudsman Nagpur. As per order dated 05-02-2016 in representation No.77/2015 Hon'ble Electricity Ombudsman Nagpur directed MSEDCL to pay compensation of Rs.10400/- to the applicant for delay in issuing demand. Applicant received cheque of Rs.10400/- compensation for late demand. Therefore that much topic is finished.

3. Now applicant filed present case for compensation for releasing late supply. Applicant paid amount of demand on 02-01-2015 and submitted test report on 30-04-2015. Supply was released on 20-02-2016 therefore applicant claimed compensation of releasing late supply.

4. Non applicant, denied applicant's case by filing reply dated 23.01.2017. Non-applicant admitted that amount of demand was paid on 02-01-2015 and test report was given on 30-04-2015. Supply was released on 20-02-2016. There was seniority list for the year 2014-15 and due to this seniority list there was delay in releasing the supply.

5. Forum heard arguments of both the sides and perused record.

6. Admittedly test report was submitted on 30-04-2015 therefore it was necessary to release the supply on or before 30-07-2015 but supply is released on 20-02-2016. Therefore there is delay for releasing the supply for the period 30-07-2015 to 19-02-2016 and applicant is entitled for compensation according to MERC's SOP Regulation.

7. According to non-applicant there is seniority list but this seniority list is contrary to MERC's SOP Regulation. No prior approval was obtained from MERC about this seniority list therefore seniority list is not legal and proper.

8. According to Non-applicant they have prepared seniority list and as per seniority list they are issuing agricultural connections. However in our opinion alleged seniority list is not legal and proper.

9. However, it is pertinent to note that in entire MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014, there is absolutely nothing written about the seniority list or details of procedure to be formulated by M.S.E.D.C.L. If there are thousands of applications in alleged seniority list, it does not mean that M.S.E.D.C.L. is authorized to delay issuance of agricultural connection beyond stipulated time period laid down in SOP regulations. Even if office of M.S.E.D.C.L. had issued any circular about seniority list, said circular has absolutely no legal sanctity. It is pertinent to note that MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014 is issued by Hon'ble M.E.R.C. and binding on all officers of M.S.E.D.C.L. Non applicant has absolutely no right to prepare their own rules regarding the seniority that too contrary to MERC SOP Regulations 2014. If really M.S.E.D.C.L. intent to observe the seniority list, they will have to approach Hon'ble M.E.R.C. to get the approval for amendment in SOP 2014. Unless and until SOP Regulations 2014 is not amended by Hon'ble MERC, alleged seniority list has absolutely no locus standy and M.S.E.D.C.L. can not ask the agriculturists to stand in Queue years together till they commit suicide for not providing of agricultural connection.

10. **According to MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) regulations 2005**, it was necessary for M.S.E.D.C.L. to give agriculture connection within 90 days but there

was delay in giving agriculture connection and for that purpose applicant is entitled for compensation as per MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulations 2005 read with 2014.

11. State Government has constituted Maharashtra Electricity Regulatory Commission as laid down u/s 42 of Electricity Act 2003. Our Forum is constituted as per the provisions laid down u/s 42 (5) of Electricity Act 2003. It is specifically provided u/s 57 (2) of Electricity Act 2003 that "If Licensee fails to meet standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution may be initiated, he shall be liable to pay such compensation to the person affected as may be determined by appropriate Commission. According to Section 57 (3) of Electricity Act 2003, the compensation determined under sub-section (2) shall be paid by concerned Licensee within 90 days of such determination. Therefore Section 57 of Electricity Act 2003 is a mandatory provision for awarding the compensation.

12. Regulation 8.2 of MERC (CGRF & EO) Regulations 2006 reads as under : -

"If after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner,

(a) To remove the cause of Grievance in question;

(b) To return the consumer the undue charges paid by the

consumer;

(c) To pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer;

Provided however that in no case shall any consumer be entitled to indirect consequential, incidental, punitive, or exemplary damages, loss or profits or opportunity. To pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensee.

(d) Any other order deemed appropriate in the facts and circumstances of the case”.

13. Therefore according to regulation 8.2 (c),(d) & (e) of the said regulations, this Forum is empowered and can pass order of compensation to redress grievance of the applicant as discussed above.

14. In case No.43/2005 decided on 01-06-2006 Hon'ble Maharashtra Electricity Regulatory Commission filed in para 9 of the order is as under:

“The Commission has also considered the submissions of MSEDCL for issuance of instructions to the Consumer Grievance Redressal Forum (CGRF) at Nagpur not to direct MSEDCL or insist on release of power to agricultural pump sets pending the decision of the Commission in the present matter. Sub-sections (5), (6) and (7) of Section 42 of EA 2003 provides the statutory basis under which grievances are required to be redressed by the forums established by distribution licensees. These statutory

provisions read with the regulations made under sub-sections (5) and (7) of Section 42 do not give jurisdiction or authority to the Commission to issue such instructions as prayed for by MSEDCL”.

15. For these reasons we proceed to pass the following order.

ORDER

1. Grievance application is allowed.
2. Non-applicant is directed to pay compensation to the applicant for delay in releasing the supply to agricultural connection for the period 30-07-2015 to 19-02-2016 according to MERC's SOP Regulation.
3. Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN