

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

Case No. CGRF(NZ)/59/2017

Shri Ambadas Z. Dandekar
At.Po.Waigaon,
Tq.Samudrapur
Dist.Wardha

:V/s:

Complainant

The Executive Engineer
MSEDCL, O&M Division
Hinganghat

Executive Engineer/Nodal Officer
I.G.R.C. Circle Office
M.S.E.D.C.L., Wardha

Respondents

Applicant represented by 1) Shri N.N.Behare, Authorized Representative

Respondents represented by 1) Shri H.P.Pawade, Executive Engineer, Hinganghat
2) Shri H.N.Patil, Dy.Exe. Engineer, Samudrapur

Quorum Present : 1) Shri Vishnu S. Bute, Chairman

2) Shri N.V.Bansod, Member

3) Mrs.V.N.Parihar, Member/Secretary

JUDGEMENT

(Delivered on this **29th day of June, 2017**)

2. Shri Ambadas Zitruji Dandekar R/o. Waigaon, Po.Waigaon, Tq.Samudrapur, Dist.Wardha (hereinafter referred to as, the applicant) had 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

inspite of the fact that he completed all the formalities the respondent had not released the connection within the time limit prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2014. He approached the IGRC Wardha. The IGRC dismissed his application vide order no.SE/Wardha/Tech/IGRC/1151 dated 02-03-2017. Feeling aggrieved by the aforesaid order the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC(CGRF & EO) Regulations 2006 on 18-05-2017.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EE/O&M/H'ghat/Tech/6379 dated 05-06-2017.

4. The case was fixed for personal hearing on 14-06-2017. Shri N.N.Behare, authorized representative was present for the applicant. Shri H.P.Pawade, Executive Engineer, Hinganghat Division and Shri H.N.Patil, Dy.Executive Engineer, Samudrapur Sub Division represented the respondent. Both the parties were heard.

5. At the time of hearing Shri Behare stated that the respondent erected the poles and laid the line. However the jumpers are not fixed on the poles and the line is not charged. The electric meter is not fixed and the motor pump is not getting electricity supply even today.

Shri Pawade, the Executive Engineer produced the acknowledgement which say that the motor pump is connected and it is getting the power supply properly. It bear the signature of the applicant.

However the Forum was not satisfied with the document produced by the

respondent. The Forum directed that the Executive Engineer should visit the site. A punchnama should be drawn in the presence of the applicant. The photographs may be taken. The field officers i.e. the concerned Assistant Engineer and the Junior Engineer may be directed to attend this office on 28-06-2017.

6. It was contended on behalf of the applicant that he submitted a application for connection to his agricultural pump on 19-03-2015. He received demand note on 15-07-2015. He deposited required amount on 17-07-2015. He submitted test report on 20-07-2015. In spite of the fact that the application was complete in all respect the respondent has not release the connection till today. So he is entitle for compensation as provided under the SOP Regulations.

7. The applicant's prayer was as under,

i) The respondent failed to issue the demand note within the prescribed time limit. So the applicant may be awarded the compensation.

ii) The respondent failed to release the connection as provided under the Regulation. So the applicant may be awarded the compensation.

8. Shri Pawade, Executive Engineer referred to the parawise reply dated 05-06-2017. It was further stated that the applicant submitted the application on 19-03-2015. A demand note was issued on 05-07-2015. He deposited the required amount on 15-07-2015. He submitted the test report on 20-07-2015. To provide the connection to the applicant erection of LT line admeasuring 0.12 km was necessary. His name was entered in the paid pending list for the year 2015-16 at Sr.No.37 of Samudrapur Sub Division.

The connections to the agricultural pumps are released as per the orders from the Higher Authorities and the availability of funds from various sources. The

applicant has been given the connection on 31-05-2017. Secondly, the request for compensation by the applicant is barred by limitation. So there is no force in the application. The application may be dismissed.

9. On 28-06-2017 Shri Prashant Uikey, Dy.Executive Engineer, Samudrapur and Shri H.M.Patil, Assistant Engineer, Samudrapur Sub Division were present. They produced a copy of a statement of the son of the applicant. In his statement he admitted that the connection was released after necessary infrastructure on 15-06-2017. Shri Pawade the Executive Engineer was also present on the spot. Previously in the written statement the respondent stated the connection was released on 31-05-2017. In view of the above we confirm that the connection was released on 15-06-2017.

10. After the hearing was over the case was discussed among the Members of the Forum. The Chairman and the Member/Secretary were of the opinion that in view of fact that applicant failed to comply the provisions of proviso to Regulation 12.2 he is not entitle for any compensation. However the consumer representative was of the opinion that the applicant is entitle for compensation. The consumer representative was requested to submit a dissenting note. It reads as under,

“1) It is an undisputed fact that the applicant submitted A-1 form on 19-03-2015 and late demand note was issued on 15-07-2015 and amount of demand note was paid on 17-07-2015 as well test report was submitted on 20-07-2015. As per applicant inspite of frequent visit to non-applicant in his offices till supply was not given. Hence applicant prayed for compensation order for late demand, late release of Electric supply etc. as per Regulation.

2) Non-applicant reply dated 05-06-2017 para '6' is as under,

6. सदर अर्जदारास वीज पुरवठ्याकरीता ०.१२ कि.मी. लघुदाब उभारणी करण्याची आवश्यकता होती. त्यानुसार लघुदाब वाहिनीची उभारणी करून दि.३१.०९.२०१७ रोजी अर्जदाराचे कृषीपंपास वीज पुरवठा देण्यात आला आहे.

Non-applicant demanded dismissal of application. During hearing applicant's representative denied submission of the non-applicant as meter is not installed, jumper not fixed and supply not connected. Accordingly as per order of forum, spot panchanama of applicant's fields to be conducted & will take photographs and report will be submitted on 28-06-2017, by of Executive Engineer Mr. Pawade but he appears to be intentionally absent on 28-6-2017 and no panchanama was conducted. Which is violation of order of the forum.

3) As per "बयान" dated 23-06-2017 it is signed by son of applicant, representative & Exe.Engineer. It is clear that the supply was connected on 15-06-2017 but not on 31-5-2017 and meter & wire burnt on 16-06-2017 and assured restoration on 24-06-2017 but during hearing Non applicant failed to inform the forum and consumer representative was also not present but sent letter to forum.

4) Applicant is a illiterate person can be visualized from his signature. Non.-applicant referred Reg. 12.2 of MERC (Standard of performance of Distribution Licensee, period for giving supply and determination of compensation) Regulation 2014. Accordingly majority denied claim of the applicant.

Firstly application is filed within 2 years from the date of cause of action for late demand & late supply i.e. 3 months from complete application i.e. 20-10-2015

and application is maintainable and technical plea of Reg. 12.2 is baseless because Non-Applicant themselves have failed to adopt Public awareness as per Reg.9 of MERC (CGRC & EO) Reg. 2006 and Reg. 3 – Basic principles, on which there is total blind eye of majority members which is not expectation of law & Regulations. It is necessary to mention Regulation 9 & Reg. 3 & 3.3(a) of MERC (CGRF & EO) Regulation 2006,

3. Basic Principles

3.1 Every Distribution Licensee shall, within six months from the Appointed Date or date of grant of license, whichever is earlier, establish Forum(s) in accordance with these Regulations. Such Forum(s) shall follow the principles of natural justice, including, inter alia, the following:

(a) It shall protect the interest of consumers;

(b) It shall inform consumers of their rights;

(c) It shall facilitate and expedite the redressal of Grievances;

(d) It shall ensure that consumer can also have a remedy in the event of failure or delay on the part of the Distribution Licensee in redressing their Grievances.

3.3 Every Distribution Licensee shall –

(a) Publish its draft rules and procedures for redressal of Grievances and make the same available to public in English and Marathi at all cash collection centers and offices of the Distribution Licensee, provided that, the Distribution

Licensee shall inform consumers through the bill raised on them regarding the availability of such draft rules and procedures;

5) Non-applicant nowhere mentioned the period for filing claim for late demand or late connection i.e. on application form or on demand note and payment receipt of demand note hence to draw inference of submission of claim within 60 days of cause of action as per SOP Regulation 12.2 is unexpected from the illiterate farmers of remote villages. It is necessary to mentioned that Non-Applicant totally failed to make public aware of SOP Regulation in their offices of Junior Engineer, Assistant Engineer, Deputy Engineer, Executive Engineer, Circle Office or Zonal Office by displaying on notice board at their prominent places. It will not be out of context to mentioned that I have not noticed display of SOP Regulations in any of their offices or bill collection centers. Hence Non-Applicant once failed in their basic responsibility, cannot take shelter of SOP Reg. 12.2 Which is for those Non-Applicant who compiled the provisions of regulations and make public awareness of time limitation etc.

Secondly it is not contention of non-applicant that applicant was aware of SOP Regulations.

Reg.9 Public awareness of the IGR Cells and the Forums

The Distribution Licensee shall, in relation to its IGR Cell, make information accessible and available to the public, including, inter alia, through the bills raised on the consumers and make available to consumers its rules and procedures for redressal of Grievances in English and Marathi at all cash collection centres and

offices, internet and other media deemed appropriate.

Provided that the Distribution Licensee shall also give publicity of the existence of the Forum through statements in the bills raised for the supply of electricity to the consumers and in doing so, shall be guided by, any directions that the Commission may issue from time to time

Provided further that it shall be a constant endeavour of the Distribution Licensee to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public. The address, email, facsimile and phone numbers of the IGR Cell and Forums shall be displayed at all cash collection centers and offices of the Distribution Licensee so as to put to the notice of common public visiting the premises and shall also be duly publicized, including in the bills raised on the consumers.

7) I am of the opinion that in the absence of discharge statutory of duty by non-applicant to create public awareness about SOP, it is futile attempt on the part of non-applicant to take shelter of regulation 12.2 to dismiss the application.

7A) In Dissent note of case No. 52/2017 (M/s Quality Poultry Farm) in Para 17.9 have categorically mentioned as under.

“During arguments, I asked concerned Executive Engineer Mr. Ghatod about the tariff category of Applicant’s as Poultry farm, in reply he said he has to study the tariff which is very unfortunate & chief Engineer shall take note of it.

7B) At Nagpur, Wardha, & Gondia (during hearing as additional charge) I out of Curiosity about “SOP” awareness made by Distribution Licensee as well as any “SOP” mentioned on notice Board of offices of Distribution Licensee, I noticed that even the working employees of Distribution Licensee are not aware at all and even employees working under CGRF are not aware which is a matter of serious concern.

Hence, Non applicant has intentionally avoided the statutory obligation of public awareness about “SOP” including Regulation 12.2.

8) Hence applicant is entitle for SOP compensation for late demand from 19-04-2015 till 14-7-2015 and for late supply of electricity i.e. 20-10-2015 to 14-06-2017 as per Appendix 'A' as cause of action has further arisen on 20-10-2015 and complaint cannot be termed as bar by limitation.

9) On perusal of reply para 6 – supply was given on 31-05-2017 but after order of forum and “ बयान “ dated 23-06-2017 supply was connected on 15-06-2017.

10) Mr.Pawade, Ex.Engineer was not present on 28-06-2017 who strongly emphasized in his reply & Arguments on 7-06-2017 and the Dy.E.E. Mr.Uike & Asstt. Engineer Mr.Patil (present) could not answer satisfactorily to the discrepancies pointed out in the “ बयान “ on 28-06-2017, further stating that the different dates appearing for connection of supply.

11) I find this say of non-applicant is totally unacceptable at this stage as it is false. Any discrepancy would have brought to the notice of the forum even during earlier hearing prior to 28-06-2017. Instead of doing so, he kept insisting that the

date of supply is 31-05-2017, knowing fully well that this was factually incorrect. It is thus amply clear that the non-applicant officers have intentionally tried to mislead this forum and submitted false information and are liable for compensation to the applicants for the harassment, mental agony and loss suffered by them.

11A) It is necessary to mention that Hon. E.O. Nagpur has made serious allegations of falsification and disregard of the authority by Mr. Pawade (Ex.Ex) in order dated 15-6-2017 in, Representation No. 7,8,9,10,11, & 12 of 2017.

The Chief Engineer of Zone shall take serious cognizance of the falsification and disregard towards quasi Judicial Authorities.

Section 43- Duty to Supply On Request :-

Para(1) Every Distribution Licensee, shall on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided further that in case of a village or hamlet or area where in no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

Para (3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

As discussed above application was complete on 20-7-2015 and as per

SOP period for connection is 90 days i.e. 20-7-2015 to 19-10-2015 and Non-Applicant Totally failed to provide connection till 20-10-2015.

In view of the above observations and Strict Provisions of the E.A. 2003 in section 43(3), law expects its implementation in true sence that is why penal provision is made for lapses, non observance of law, Regulation and falsification of Distribution Licensees to save poor farmers, consumers from the clutches of negligent officers of Distribution Licensee. Hence Non-Applicant is Liable to a penalty of Rs.1000/- for each day of default i.e. from 20-10-2015 to 14-6-2017 but as a first occasion wish to order penalty of Rs. 25000/- only and amount of penalty shall be deposited as per provisions.

12) Hence the application is deserves to be allowed and non-applicant shall pay SOP compensation for late demand from 19-4-2015 to 14-7-2015 and late supply i.e. 20-10-2015 to 14-06-2017 as per Appendix 'A'. The non-applicant has submitted certain information to the IGRC, the CGRF while being fully aware of the fact that the information was false, incorrect and misleading, Applicant has consequently caused mental and physical harassment and financial damage to the applicant and as per Regulation 8.2(c), Non-applicant should therefore pay compensation of Rs.15000/- to the applicant as well as deposit the amount of penalty as per section 43(3) of the E.A. 2003. The amount of compensation as well as penalty shall be recovered from the concerned responsible officers.

Naresh Bansod
Member (CPO)"

11. We have perused the record. We have heard the arguments of both the

parties.

12. It is admitted position that the applicant submitted an application in the prescribed form. He deposited the amount as per rules. 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 was complete in all respect.

13. The applicant claimed compensation on two counts, firstly it is stated that the respondent failed to issue the demand note within the prescribed time limit. It is admitted position that the applicant submitted the application on 19-03-2015. The applicant say that he received the demand note on 15-07-2015. The respondent say that the demand note was given on 05-07-2015. The applicant has not submitted any documentary evidence in support of his statement. So we confirm that the demand note was given on 05-07-2015. To release the connection to the applicant erection of LT line admeasuring 0.12 km was necessary. So as per the provisions contained in Regulation 4.5 the applicant was entitled to receive the demand note within a period of 30 days i.e. on or before 19-04-2015. Since he received the demand note on 05-07-2015. It is clear that the demand note was not given within the prescribed time limit. The demand was issued late.

14. As stated in the aforesaid paragraph to release connection to the applicant augmentation to the existing network was necessary. So as per the provision contained in Regulation 4.8 the applicant was entitled for connection within a period of 3 months i.e. on or before 20-10-2015. After the spot inspection it was found that the connection was released on 15-06-2017. So it is clear that the respondent failed to release the connection within the time limit prescribed under the 2014

Regulations.

15. Regulation 12 of the 2014 Regulation discuss about, the determination of compensation. Proviso to Regulation 12 reads as follows,

*Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulation and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days **from the time such a person is affected by such failure** of the Distribution Licensee to meet the standards of performance.*

In the case in hand the Distribution Licensee was expected to issue the demand note on or before 19.4.2015. However the demand note was given on 5.7.2015. Naturally the Distribution Licensee failed to meet the standards of performance. As such the applicant should have file his claim with the Distribution Licensee within a period of sixty days from 19.4.2015, i.e. on or before 19.6.2015. The applicant approached IGRC and claimed compensation on 16.12.2016. Naturally the claim is barred by limitation.

The applicant further claim that the Distribution Licensee failed is release connection within the stipulated time limit.

On perusal of the record it reveal that the application was complete on 20.7.2015, when the applicant submitted the test report. Agumentation to the existing network was necessary. So as per the provisions of Regulation 4.8 he was entitle for connection on or before 20-10-2015. Furthermore as discussed in the forgoing para as per the provisions contained in proviso of Regulation 12.2 he

should have claimed compensation within a period of 60 days from 20-10-2015. In other words he should have claimed compensation for late release of the connection on or before 20-12-2015. The applicant has not claimed the compensation. He has not complied the provisions of proviso to Regulation 12.2. He directly approached the IGRC Wardha on 19-12-2016. We are of the considered opinion that the applicant utterly failed to comply the provision of Regulation 12.2. As such he is not entitle for any compensation.

16. As per the provisions of Regulation 8.1 of the MERC (CGRF & E.O.) Regulations 2006 the Forum has to take a decision by majority of votes of the members of the Forum. In this case in hand we record our decision by majority of votes.

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

ORDER

- i. Application no.59/2017 is hereby dismissed.
- ii. No order as to cost.

Sd/-
(N.V.Bansod)
MEMBER

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

sd/-
(Vishnu S. Bute)
CHAIRMAN

