

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

Case No. CGRF(NZ)/195/2016

Applicant : Shri Bhaurao M.Kudmethe
At.Jamni,Po.Goji
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 17.01.2017.

1. The applicant filed present grievance application before this Forum on 29.12.2016 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 06-02-2015. Demand was issued on 25-03-2015. Applicant paid amount of demand on 31-03-2015. Test report was brought to the office of MSEDCL on 02-04-2015 but it was

not accepted therefore test report sent by registered post. However there is no postal evidence with the applicant. Supply is given on 01-01-2017. Therefore applicant claimed compensation according to MERC's SOP Regulation.

3. Non applicant, denied applicant's case by filing reply dated 16.01.2017. It is submitted that test report was send by post on 29-02-2016. There is seniority list maintained by MSEDCL and considering seniority list supply was given on 08-12-2016. Non applicant produced copy of first bill to show date of supply i.e. 08-12-2016.

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

5. Applicant did not produce postal evidence on record to show that test report send by post on 02-04-2015. Therefore we find no force in the contention of the applicant that test report was given on 02-04-2015. Non-applicant produced postal evidence on record to show test report submitted on 29-02-2016 by post.

6. Therefore date of application is 06-02-2015. Date of demand is 25-03-2015 therefore there is delay in issuing demand for the period 22-02-2015 to 24-03-2015 and applicant is entitled for compensation for late demand according to MERC's SOP Regulation.

7. Test report was submitted on 29-02-2016 and supply was released on 08-12-2016. Therefore there was delay in releasing supply for the period 30-05-2016 to 07-12-2016 and applicant is entitled for compensation according to MERC's SOP Regulation.

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. Therefore we hold that the seniority list is contrary to MERC's SOP Regulation. Therefore it is not legal and proper. Therefore applicant is entitled for compensation according to MERC's SOP Regulation.

16. Hence 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 late demand for the period 22-02-2015 to 24-03-2015 according to MERC's SOP Regulation.
3. Non-applicant is directed to pay compensation to the applicant for releasing late supply to agricultural connection for the period 30-05-2016 to 07-12-2016 according to MERC's SOP Regulation.
4. 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