

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

Case No. CGRF(NZ)/197/2016

Applicant : Shri Prabhakar N. Shrirame
At. Hiwara, Po. Waigaon
Tq. Samudrapur
Dist. Wardha.

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

Applicant's Representative :- Shri Behare,

Respondent by:- 1) Shri Pawade, E.E., Hinganghat Dn.
2) Shri V.M. Hedau, Dy.EE, Samudrapur 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 23.01.2017.

1. The applicant filed present grievance application before this Forum on 31.12.2016 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 27-01-2011. Demand is given on 02-12-2013. Applicant paid amount of demand on 02-12-2013. Test report was submitted on 10-12-2013. Supply was released on 14-11-2016. Therefore he 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 applicant applied for agricultural connection on 27-01-2011. Demand is given on 02-12-2013 and applicant paid amount of demand on 04-12-2013. However it is submitted that test report was not given on 10-12-2013 but test report was given on 15-01-2016 and supply is given on 14-11-2016. Infrastructure is not ready. Govt. of Maharashtra has not provided sufficient fund. Seniority list was prepared and supply is given as per seniority list.

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

5. Date of application is 27-01-2011 and demand is issued on 02-12-2013. Therefore there is delay for issuing demand for the period 16-03-2011 to 01-12-2013 but this period is barred by limitation according to Regulation 6.6 of the said Regulation. Present application is filed on 30-12-2016 i.e. after 5 years therefore claim for compensation for late demand is barred by limitation. Therefore compensation can not be granted.

6. So far as compensation for late in releasing the connection is concerned according to applicant he submitted test report on 10-12-2013 however applicant did not produce any documentary evidence on record to prove date of submission of test report. Even copy of test report or xerox copy is not produced by the applicant. On the contrary non-applicant produced copy of register maintained by MSEDCL regarding agricultural connection and as per this register non-applicant submitted test report on 15-01-2016. Therefore we hold that test report is given on 15-01-2016 but supply was released on 14-11-2016. Therefore applicant is entitled for compensation regarding the delay for releasing the connection for the period 16-04-2016 to 14-11-2016 according to MERC's SOP Regulation.

7. According to Non-applicant there is seniority list but said seniority list is not approved by MERC and it is contrary to MERC SOP Regulation. Therefore it is not legal and proper.

8. 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.

9. **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 from

competing all formalities 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.

10. 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.

11. 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”.*

12. 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.

13. 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”.

14. For these reasons we hold that application of the applicant must be partly allowed.

15. Hence we proceed to pass the following order.

ORDER

1. Application is partly allowed.
2. Claim for compensation for late demand for the period 16-03-2011 to 01-12-2013 is barred by limitation according to Regulation 6.6 of MERC (CGRF & E.O.) Regulation therefore rejected.
3. Non-applicant is directed to pay compensation to the applicant for delay in releasing late connection for the period 16-04-2016 to 14-11-2016 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

