

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

Case No. CGRF (NZ) /91 /2017

Applicant : Shri Ramdas Narayanrao Wanjari
Amboli naka Road, Tah.Umred
Nagpur

Non-applicant : Nodal Officer,
The Executive Engineer,
Division no. 1, Ganeshpeth,
MSEDCL. Nagpur.

Applicant: - Shri Sunil Jacob Applicant's Representative,

Non- applicant: - Shri P.N.Lande,MSEDCL, Executive Engineer Rural Division.

Quorum Present: - 1) Mrs. V.N.Parihar,
Member,Secretary & I/C.Chairman.
2) Shri N.V.Bansod,
Member

ORDER PASSED ON 11.12.2017.

1. The applicant filed present grievance application before this Forum on 11.10.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 07.11.2017
3. Forum heard arguments of both the sides and perused record

4. Shri Ramdas Narayanrao Wanjari, Amboli naka Raod, Tah. Umred, Dist- Nagpur (hereinafter referred to as the applicant) had applied to the distribution licensee MSEDCL (hereinafter referred to as, the Non applicant) for release of Ag pump connection. It was contended on behalf of the applicant that, he submitted an application for connection to his agricultural pump on dt.08.08.2016. He received demand note on 07-10-2016. He deposited required amount on 07-10-2016. He submitted test report on 07-10-2016. In spite of the fact that the application was complete in all respect the Non Applicant has not been given the connection till today. It is the contention of the applicant that inspite of the fact that he completed all the formalities the Non Applicant 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. The applicant's prayer was as under,

i) As per completed application he may be given connection immediately. The Non-applicant failed to carry out the work as per section 43 of EA act 2003, hence he may be awarded justice and action against the defaulter.

ii) Compensation of Rs.70000/-; for Mental and physical harassment, Travelling expenses etc.

5. Applicant approached the IGRC Nagpur rural Circle on dt.11.07.2017. The IGRC vide its order dt.09.10.2017 directed to release connection as per MSEDCL's chronology. Aggrieved by the aforesaid order the applicant present the instant application

6. A copy of the application was given to the Non-applicant. The Non-applicant was directed to submit parawise reply. The Non-applicant submitted reply vide letter no.EE/NRDn-I/Tech/7162 dated 07-11-201.

7. Non applicant Shri P.N.Lande, Executive Engineer Rural Division In his Para-wise reply stated that, the applicant submitted the A1 application on 08-08-2016. A demand note was issued on 03-10-2016.Applicant deposited the required amount and submitted the test report on 07-10-2016. The demand note was to be issued on or before 08.09.2016. As per Clause no.12.2 OF MERC SOP Regulation 2014, Applicant should have filed the application for compensation for late issue of Demand note on or before 08.11.2016 i.e. within 60 days of cause of action i.e. dt 08.09.2016. The applicant has lodged complaint and demand for compensation at IGRC on dt 11.07.2017, thus has filed late. Therefore the request for compensation by the applicant is barred by limitation.

8. Secondly, to provide the connection to the applicant erection of LT line measuring 0.48 km is necessary. The connection was to be issued on or before 06.01.2017 as he has submitted T.R. on dt 07.10.2016. As per Clause no.12.2 OF MERC SOP Regulation 2014, Applicant should have filed the application for compensation for non-release of supply on or before 06.03.2017 i.e. within 60 days from cause of action i.e. dt 06.01.2017. But the applicant has lodged complaint at IGRC on dt 11.07.2017, thus has filed late. Therefore the request of applicant for compensation for late release of supply is barred by limitation. So there is no force in the application. Hence prayed to dismiss & reject the application. Non-applicant further contended that erection of L.T. line

measuring 0.48 Km is necessary. Applicant's name is entered in the paid pending list of year 2016-17. The connections to the agricultural pumps are released as per the order from the higher authorities and availability of funds under Special Ag Package scheme. If the applicant wants the connection immediately, he can apply for connection under DDF scheme stated as per MSEDCL circular no 4900 dated 12-02-2014. It is mandatory for MSEDCL to provide the connection to the complainant's Ag pump as per the seniority list; otherwise it will cause great injustice on the part of other applicants who have paid the demand prior to the applicant. For this he rely on MERC SOP regulation 2014 Sec 4.10, which states that '*The Distribution Licensee shall not be held responsible for the delay, if any, in giving supply on account of problems relating to statutory clearances, right of way, acquisition of land or the delay in consumer's obligation which is beyond the reasonable control of the Distribution Licensee*'.

9. Non-applicant further relay on Section 44 of Electricity Act-2003, to substantiate his claim, which states "*Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control*".

10. Further, Non-applicant relied on Hon'ble High court judgment on 2nd March 2016 in petition no WP 2641-2014-MCGM-V-MERC which includes following content.

- *This is evident from the 31st Report on the Electricity Bill, 2001, submitted by the Standing Committee on Energy, Ministry of Power, to the Lok Sabha and Rajya Sabha. Paragraph 8.78 is revealing:*

After going through the Memoranda submitted by various 14 of 24 2641-2014-MCGM-V-MERC-F.DOC organizations and state Governments, the Committee finds that most of them agreed that the said provisions of the Clause 43 are un- implementable due to various reasons like unavailability of leave way, inability to provide proof of legal occupancy and gap in demand and supply as well as due to large pendency of applications and financial constraints. For example, in Rajasthan, there are about 2.3 lakh pending applicants for agricultural connection only and some of them are pending for the last 9-10 years'. Sections 43 and 44 must be read together. A distribution licensee is obliged to supply electricity to a consumer within one month from the date on which the complete application for supply of electricity made by a consumer/occupier of the premises. Where the supply requires an extension of distribution mains, or commissioning of new sub-stations, the distribution licensee is allowed some leeway: the supply is allowed to be made immediately after such extension or commissioning, or within the period specified in the Regulations. These periods do not apply where the distribution licensee. Section 44 opens with the words "nothing contained in Section 43". This makes it clear that the distribution licensee's obligations under Section 43 are subject to the exemptions under Section 44. The latter is a form of a statutory protection against unforeseen eventualities.

11. Therefore as per Non-applicant pendency, of Ag pump connection is due to requirement of huge infrastructure and financial constraints for this. At present all funds are allocated by state Government to provide Ag pump connections, and for release of Ag pump connections are done as per seniority list; as soon as fund will be allocated

by state government pending Ag connection work can be carried out. Hence he prayed that considering provisions under section 4.10 of MERC SOP regulation 2014 and section 44 of Electricity Act 2003, as circumstances are beyond the control of Non-applicant in terms of availability of funds, they may not be held responsible for delay in supply electricity and the release of connection hence will be strictly according to seniority list of licensee.

11. The case was fixed for personal hearing on 24-10-2017 and finally on dt.03.11.2017. Shri Sunil Jacob, authorized representative was present for the applicant. Shri P.N.Lande, Executive Engineer Rural Division represented the Non-Applicant. Both the parties were heard.

12. At the time of hearing Shri Sunil Jacob, stated that, AI was submitted on dt.08.08.2016, Demand note was issued on dt 07.10.2016. Demand note was paid on Dt.07.10.2016 and Test report was submitted on dt 07.10.2016. But electricity supply to the motor pump is not released even today. Non-applicant reiterated the facts as per written submission.

13. Due to the expiry of term of Chairperson of the Forum on dt 30.06.2017, consequent to which the matter was heard by the two remaining Members. At the time of hearing Quorum present was

1) Member Secretary & I/C. Chairman. 2) Member (CPO). As per in clause 4.1(c) of MERC (CGRF & EO) Regulation 2006 which reads as under,

4.1(c) "Provided also that where the Chairperson is absent from a sitting of the Forum, the technical member, who fulfills the eligibility criteria of sub-clause (b) above, shall be the Chairperson for such sitting. Needless to say that, in absence of Hon'ble Chairman,

Member Secretary is In-Charge Chairman. There is difference of opinion amongst the two. Since I/Charge Chairman has one additional casting vote, therefore as per provision given in clause 8.4 of MERC (CGRF & EO) Regulation 2006 which reads as under,

8.4 "Provided that where the members differ on any point or points the opinion of the majority shall be the order of the Forum. The opinion of the minority shall however be recorded and shall form part of the order".

Hence, the Judgment is based on majority view of I/C chairman and Member Secretary. However the separate dissenting note of Hon'ble Member (CPO) is noted in the judgment and it is part and parcel of the judgment. But the judgment is based on majority view and reasoning thereof is as under:

14. We have perused the record. We have heard the arguments of both the parties.

15. It is admitted position that the applicant submitted an application in the prescribed form. He deposited the amount and submitted the test report as per rules. His name was also entered in the paid pending list prepared by the Non-applicant. So it is clear that the application submitted by the applicant was complete in all respect.

16. 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 08-08-2016. The demand note was given on 07-10-2016. 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 08-09-2017, which he has received on 07-10-2016. It is clear that the demand note was not given within the prescribed time limit.

17. As stated in the aforesaid paragraph to release connection to the applicant augmentation to the existing network i.e. erection of LT line measuring 0.48 Km was necessary. So as per the provision contained in Regulation 4.8 the applicant was entitled for connection within a period of 3 months after completion of all formalities such as submission of Test Report etc. On perusal of the record it reveals that, the application was complete on 07.10.2016, when the applicant submitted the test report. Augmentation to the existing network was necessary. So as per the provisions of Regulation 4.8 he was entitle for connection on or before 06-01-2017. But till today it is not released. Hence it is clear that Supply is also not given within the prescribed time limit.

18. 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.*

Therefore as per the provisions contained in proviso of Regulation 12.2, applicant should have claimed Compensation within a period of 60 days. In other words he should

have claimed compensation for late demand note and late release of the connection on or before 8-11-2016 and 06-03-2017 resp. But for this he directly approached the IGRC on 11-07-2017 for claim of the said compensation. He has not complied with the provisions of proviso to Regulation 12.2 Hon'ble Electricity Ombudsman has clearly stated in representation no.34/2016 at Para 7 as follows: "*It may be noted that Clause 12.2 of SOP Regulations is applicable only when the consumer files his claim with the Distribution Licensee.* We refer this judgment and hold that as the grievance is not filed within 60 days from the cause of action i.e. on or before 08-11-2016, for late demand note and 06.03.2017, for late release of supply Hence both the claims are time barred as per Clause 12.2 of SOP Regulations, 2014 of MERC. We are of the considered opinion that as the applicant utterly failed to comply the provision of Regulation 12.2, as such he is not entitled for any compensation.

19. Also we hold the contention of Non-applicant that, as regards to provide the connection to the applicant, that erection of L.T. line measuring 0.48 Km is necessary. Applicant's name is entered in the paid pending list of year 2016-17. The connections to the agricultural pumps are released as per the order from the higher authorities and availability of funds under Special Ag Package scheme. If the applicant wants the connection immediately, he can apply for connection under DDF scheme stated as per MSEDCL circular no 4900 dated 12-02-2014. MSEDCL can provide the connection to the complainant's Ag pump as per the seniority list, otherwise it will cause great injustice on the part of other applicants who have paid the demand prior to the applicant. Non-applicant rightly rely on MERC SOP regulation 2014 Sec 4.10 which very clearly Page

states that '*The Distribution Licensee shall not be held responsible for the delay, if any, in giving supply on account of problems relating to statutory clearances, right of way, acquisition of land or the delay in consumer's obligation which is beyond the reasonable control of the Distribution Licensee*'.and Section 44 of Electricity Act-2003 which states that "*Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control*".

20. We also hold Non-applicant's rely on the Hon'ble High court judgement delivered on 2nd March 2016 in petition no WP 2641-2014-MCGM-V-MERC stated as above which substantiates the fact that pendency of Ag pump connection is due to requirement of huge infrastructure and financial constraints for this. At present all funds are allocated by state Government to provide Ag pump connections and release of Ag pump connections are done as per seniority list. As soon as fund will be allocated by state government pending Ag connection work can be carried out. Hence it is justified not to hold responsible Non-applicant for delay in supply electricity considering provisions under section 4.10 of MERC SOP regulation 2014 and section 44 of Electricity Act 2003, as circumstances are beyond the control of Non-applicant in terms of availability of funds, the release of connection hence will be strictly according to seniority list of licensee.

21. The applicant demanded compensation as per section 43 of Electricity Act 2003.It is therefore to clarify here that, the SOP regulation 2014 are notified by the Honorable Commission in exercise of its power under S.43,S181,S57,S59 and are

made applicable from 20 May 2014. Hence the consumers are eligible to apply for and to get the benefits of the remedies given in the Act and /or Regulations. Hence the decision by the forum is in accordance with the provision of Electricity Act 2003 and regulations made in this behalf by concerned State Commission.

Separate Dissenting note by Member (CPO) Naresh Bansod in case No. 91/2017 on 11-12-2017.

- (1) The date of filing of the complainant is 11-10-2017. Arguments heard on 10-11-2017. The case file is sent to me for writing separate note on 11-12-2017 at 12.10 P.M. without concurrence of Reg. 8.4. provision of MERC (CGRF & EO) Regulations 2006 i.e. discussing the point or points of difference amongst members on dias.
- (2) It is an undisputed facts that Applicant applied for Agriculture Pump for 3 HP Connection (A1 Form) on 8-8-2016 and demand note was issued on 3-10-2016 (Received by Applicant on 6-10-2016) paid Rs.5200/- Demand on 7-10-16 as well as T.R. was submitted on 7-10-2016. The grivence of the applicant is that after payment of Demand as well as after submitting T.R. on same date on 07-10-2016. New connection was not released and non applicant voilated SOP Norms, claimed compensation for late demand, late release of connection or till release of connection. Applicant also claimed compensation for mental, physical & economical harassmt i.e. Rs.10000/- & penal action against the erring officials and other compensation. Applicant did not receive copy of IGRC order.
- (3) IGRC on 5-10-2017 ordered as under.

“It is instructed to Dy.Executive Engineer, Bhivapur to release the connection as per MSEDCL chronology.

- (4) Non Applicant stated that 0.48 KM LT Line is required and as per SOP Regulation 2014 Sec. 4.8 supply has to be given within 90 days from completed A1 form i.e. upto 6-1-2017 and Applicant has to register complaint within 60 days from the Cause of Action i.e. upto 5-3-2017. Applicant claimed on 11-7-2017 i.e. more than 3 months delay and case is barred by limitation as per SOP Reg. 12.2.
- (5) Applicant's name is entered in paid pending list of 2016-17 and further said that pumps are released as per orders of higher authorities and availability of funds and again said for immediate connection, Applicant has to take in DDF Scheme & Connection be released as per security of the applicant. Non Applicant also invited attention towards SOP Reg. 4.10 as well as Section 43 & 44 of the Electricity Act. 2003 further also relied on Judgement of High Court in WP 2641/2014 MCGM V/S MERC.
- (6) Non Applicant also stated that pendency of A. G. Pump connection is due to huge infrastructure and financial constraints. At present funds are allocated by State Govt. to provide A. G. Connections after Aug-2016, no fund is available and Non applicant is not responsible for delay.
- (7) It is necessary to note that Applicant submitted 'A' form for New Service Connection 8-8-2016 and as per SOP Regulation it was mandatory on Non Applicant to inspect the premises within 10 days in rural areas as per SOP

(8) Reg. 4.3 and as per Reg. 4.4 it was mandatory to give demand note within 30 days in Rural area in case of extension of main i.e. inspection on or before 18-8-2016 & demand note on or before 7-9-2016. The demand note was received by Applicant on 6-10-2016 after delay 28 days and non applicant is liable to pay compensation as per "Appendix A" 1(ii)(b).

(9) It is necessary to clarify that in this case the application was complete in all respect on payment of Demand Note & submission of Test. Report i.e. on 7-10-2016 and as per SOP Reg. 4.8 3 months period is provided for giving supply as case of extention of L.T.Line by 0.48 K.M. which is not provided and Non Applicant is liable to pay compensation as per SOP Regulation "Appendix A" 1 (iii) i.e. @ Rs.100/- per week from 7-1-2017 till New Connection Supply is provided.

(10) Non Applicant invited our attention to provision of SOP Reg. 12.2 that applicant should have register the complaint within 60days i.e up to 5-3-2017 and concluded that application is bar on limitation.

To clarify the misperception about the SOP 12.2 and cause of Action in the mind of Non Applicant. I refer the order of Electricity Ombudsman Nagpur dated 4-8-2017 in Representation No. 17-2017 Smt Varsha Lalwani V/S The Executive Engineer O&M divisionMSEDCL Gondia and rep. No 34/2016 order dated 19-8-2016 Mr. Sunil S. Chambhare V/s The Executive Engineer O&M, Hinganghat (use of this forum).

Causion of Action – Para 7 of Rep. No 17/2017 reads as under

“I rely on the Judgement dated 18-7-2017 of the Bombay High Court in Writ Petition No. 3997/2016 where in the Hon’ble court has upheld the view that”
“grievance of respondent No. 1 was well within limitation as cause of Action has arisen from the date of rejection of grievance of IGRC”. Also the Division Bench of the Principal Bench of the Bombay High Court in M/s. Hindustan Petroleum Corp. Ltd. Vs MSEDCL and others in Writ petition No. 9455/2011 had accepted that” cause of action for submitting the grievance should arise when the IGRC rejects a grievance of a complaint”.

SOP Reg. 12.2 – Para 7 of Rep. No.34/2016 reads as under.

It may be noted that that Clause 12.2 of SOP Regulations is applicable only when the consumer files his claim with the Distribution licensee. The said limitation of 60 days does not apply when the consumer files his claim for compensation with the forum.

Hence the submission & arguments of Non applicant are deserves to be baseless and against the principles of law, deserves to be dismissed.

(11) Non applicant relied on the Judgement of Bombay High Court in Writ Petition 2641 – 2014 in between Municipal Corporation of Greater Mumbai vs MERC. Non applicant relied the Judgement but forgotten that the aforesaid writ petition of petitioner was dismissed.

Para 3 Reads as under.

3 → “In our considered view, there is no merit at all in this petition. The BES&T’s challenge is a studied attempt at subverting a statute that has in its primary intent the interests of the individual consumer of electricity and

the promotion of efficient and healthy competition, the adoption of best practices and the development of effective power distribution systems. We find, however, that the BES & T's attempts are in exactly the opposite direction: to retain, willy-nilly, its stranglehold over its hapless consumers and to keep out all competition. We find MCGM's approach to be far, far less than fair and candid, we find it to be contrarian, antagonistic, and designed to retain a complete monopoly within its command area, all at the cost of individual consumer, we have dismissed the petition.

Firstly aforesaid writ petition is regarding "open access" and one of the BES & T's consumer approached TPC (Tata Power Company) for the supply of electricity intending to swithover from the former. BES & T refused to allow TPC to use its distribution network for electric supply.

Secondly facts in the aforesaid Judgement & facts in this case are totally different. Hence Judgement cited by Non Applicant does not comes to the rescue of the Non applicant.

(12) Non applicant made reference to SOP Reg. 4.10 – Section 44 of Electricity Act. 2003.

(A) "It is necessary to note that the clause 4.10 does not apply to the present case because there are no problems relating statutory clearances, right of way, acquisition of land of the delay in consumer abligation which is beyond the reasonable control of the distribution licenses.

(B) In this case situation like cyclone, floods, storms of their occurances which is

(C) beyond his control i.e. natural calamities has not warranted and Non Applicant is not prevented, hence section 44 of The Electricity Act. 2003 is not of in use to Non Applicant to get shelter or umbrella.

(D) I feel Non Applicant has not read the provisions of section 43 (Duty to supply on request) correctly because subsection (1) provides to give supply within one month after receipt of the application requiring such supply but proviso reads as under.

1st proviso provides for period as may be specified by the Appropriate commission i.e. clause 4.7, 4.8 & 4.9.

2nd proviso provides as under.

“Provided further that incase of a village of 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 of hamlet or area.”

This provision makes it clear that if Distribution Licensee has some constraints to give supply, then without permission of the appropriate commission they cannot presume that provisions of The Section 43 & 44 of the Electricity Act. 2003 protects the Non Applicant and they are not liable to pay SOP compensation.

In this case extension of L.T. line issue 0.48 KM i.e. only 8 Poles & line wire was required (Distance 2 poles is 60 meter) Non Applicant filed the circular of “Mahavitaran” No. 30745 dated 5-10-2016 which is for the entire state, district wise but failed to prove

that inspite their best efforts they failed to procure 8 poles & service line wire to extend connection to the Applicant. On the contractory it was obligatory on the part of Non Applicant to be aware of potential area, consumers to create the infrastructure or plan to create the basic infrastrature in his area of operation. But in the present case Non Applicant totally failed in discharging their duties and request to read the provisions of section 43(3) of the Electricity Act.2003 and guidelines issued by MERC.

Non applicant has kept total bhind eye on section 42(1) of the Electricity Act. 2003 which reads as under

(1) It shall be the duty of a distribution licensee to develop and maintain an efficient, Co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

(E) It is necessary to note that the paid pending list of the Non Applicant is neither recognised by the MERC (ESC) Regulations 2005 or MERC (SOP) Regulations 2014. Hence contention about paid pending list deserves to be rejected.

In view of the above observations. Applicant is entitle for SOP compensation for late demand as well as far Electrical supply to the Agriculture Pump as per para 8 above as well as compensation for Rs.5000/- physical & economical harassment and connection be released.

As per 4.1 (C) proviso of above said regulation. Secondly on perusal case No. CGRF (NUZ) 031/2009, order dated 26-6-2009 where so called member secretary i.e. present technical member was representative of non applicant and is well aware that Mrs.

Langewar acted as member secretary and Smt. Gouri Chandrayan as member as per

regulation 5.2 of above said regulation and same practice was observed to have followed earlier whenever the post of chairperson was vacant.

This means that when chairperson is appointed in the CGRF & Joined and he is absent from sitting of the forum, then technical member, shall be the chairperson for such sitting (during leave, sick leave etc) but presently the Chairperson's post is vacant in the forum on date of sitting, so the technical member and member (CPO) can continue to run sitting and decides the cases as per regulation 5.2 of said regulation but technical member does not get position of Chairperson and second & casting vote, which is done in earlier cases after 16/5/2017. In entire MERC (CGRF & EO) regulations 2006 post of only Technical Member is notified but no post of Member Secretary is notified and hence self designating as Member Secretary is against provisions of above regulation. Hence order of the Technical person or so called member secretary cannot be a Majority order.

Therefore application deserves to be allowed.

Hence the following order.

1. Non Applicant is directed to release the connection to the applicant.
2. Non Applicant is to pay SOP compensation for late demand for 28 days from 7-9-2016 to 5-10-2016 as per Appendix 'A'1. (ii)b Rs.100/- per week or part there of as well as compensation for late electric supply from 7-1-2017 till New Electric supply is given as per 'Appendix 'A' Clause 1 (iii) @ Rs.100/- per week of past thereof.
3. Non applicant is directed to pay compensation of Rs.5000/- towards mental, physical & economical harassment to the applicant as per Reg. 8.2 (c) (d) (e) of MERC (CGRF & EO) Regulations 2006.
4. Order of IGRC is quashed & setaside.

The compliance of this order shall be done within 30 days from the date of order.

Naresh Bansod

Member (CPO)

20. 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.

21. As the applicant utterly failed to comply the provision of Regulation 12.2, as such he is not entitled for any compensation. Circumstances beyond the control of Non-applicant in terms of availability of funds, the release of connection hence will be strictly according to seniority list of licensee. In view of this, we pass the following order by majority.

ORDER

- i. Order of IGRC is set aside.
- ii. Application no.91/2017 is hereby dismissed.

Sd/-
(Shri.N.V.Bansod)
MEMBER

Sd/-
(Mrs.V.N.Parihar),
MEMBER/SECRETARY/& I/CHAIRMAN