

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.**

“ Vidyut Bhavan ” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.02/01/2016

Complaint No.28 / 2015

Grievance pertaining to delay in electric supply compensation, fine etc.

Quorum

Shri T.M.Mantri, Chairman

Shri. D.M.Deshpande-Member (CPO)

Shri. Purushottam Kashinath Paulzagade, Buldhana.
Consumer No:- A.G 293250005382

Complainant

.....Vrs.....

Executive Engineer MSEDCL, Buldhana Division.....

Respondent

Appearances :

Complainant Representative: Shri.Pramod Narayan Khandagade.

Respondent Representative: Shri. D.R.Misal, Dy.E Engineer. MSEDCL. Buldhana.

1. Being not satisfied with order of IGRC Buldhana the complainant approach this forum seeking various reliefs such as providing of immediate electric connection, compensation for causing delay in contravening to MERC (Standards of performance of distribution licences, period for giving supply and determination of compensation) regulations 2014 so also imposing of fine against the erring officer. It is clear and admitted position that the complainant has applied for agricultural electric connection on 24/01/2011. For sufficient long time nothing was done and later on quotation / demand note dt.31/08/2013 issued to the complainant for Rs.6200/-. Admittedly the complainant deposited the said amount on 27/09/2013, admittedly complainant was pursuing for getting electric connection, so also made written complaint dt.11/11/2014 to the concerned office of N.A. demanding electric connection and compensation, however to no effect so he approached IGRC Buldhana wide complaint no. 22/2015 Along with complaint copies of documents have been a annexed.

2. After notice of this forum, in the reply filed by the N.A. most of the factual position has not been disputed. The N.A. vaguely attempted to dispute construction of well under State Governments Dhadak Sinchan Yojana. The complainant has filed list of beneficiaries under the said scheme of the Govt., issued by the Office of Collector Buldhana dt.17/03/2010 and complainants name is at serial no.480. Heard Mr. Pramod Khandagade the Learned Representative of the complainant and Shri.D.R. Misal the learned representative of the N.A. During course of argument nothing has been submitted from the side of the N.A. in this respect. In any case a provision of the regulations 2005 with Electricity Act 2003 needs to be considerate. Here, it is to be mentioned that the complainants version of pursuing the matter with the office of the N.A. so also making of written grievance dt 11/11/2014, have not been disputed from the side of N.A. The copy of the said letter bears seal and signature of the recipient of the N.A. office. Admittedly no reply has been given from the side of N.A. there to.
3. That the above mentioned regulation 2014 provides Standards of performance required to be observed by the N.A., so also it prescribes amount of compensation payable upon failure to meet the prescribed standard of performance by the N.A. In Appendix-A of the said regulation prescribes those details.
4. As for as the complainants prayed for providing immediate electric supply, it needs to be mentioned that during pendency of the present complaint before this forum the electric connection has been provided to the complaint on dt.12/12/2015. As far as the other reliefs such as compensation for delay, fine against the officer etc. one has to consider and go through the provisions of above referred regulations. The requirement and standards of performance for inspection, intimation of charges (demand note) and time for supply of connection, so also compensation payable upon failure to meet these standards are given in the above referred regulation and precisely in Appendix-A there to. Admittedly dt of demand note/ intimation of charges has been issued on 31/08/2013. Even if the maximum period of 30 days provided under the said regulation is excluded, even

then it is clear that there is delay of more than two and half years in mere issuing of demand note. The regulation prescribes compensation of Rs.100/- per week is provided for delay. No explanation, any reason is coming from the side of N.A. for such abnormal delay for issuing of demand note. Obviously there is negligence/ lethargic attitude of the concerned officer/staff. The liability of compensation for failure to meet these standards of performance because delay for 30 months i.e. 120 weeks comes to Rs.12000/- as per regulation.

5. Similarly as per Appendix-A 1 (iii) the maximum period for providing electric supply after completed application and payment of charges, is of one year, Admittedly after receipt of demand note the complainant has deposited Rs.6200/- on dt.27/09/2013. So even according to the N.A. the complainant has fulfilled required obligations on 27/09/2013. So giving by all latitude in failure of the N.A., the electric connection ought to have been provided, in any case before Sept-2014. As observed above the connection has been provided on 12/12/2015. During course of arguments, the learned representative of the N.A. has referred to the documents such as panchnama, letters, police complaint dt.05/12/2015 in respect of obstructions in erection of electric poles by other agriculturist on the ground of standing crop in the field. All these documents are of 29/09/2015 onward till dt. 05/12/2015. From those documents itself, it is clear that on 29/09/2015 for the first time N.A. tried to do the work of providing electric connection to the complainant. Complainant's say is that prior there to nothing was done by the N.A. for providing electric supply appears to be correct even the document of changing of contractor M/s D.K. electrical to M/s Sanket enterprises is of Nov-2015. The new contractor Sanket enterprises has completed work of providing of electric connection to the complainant on 12/12/2015. The documents filed by the N.A. itself shows that it has blamed the earlier contractor in avoiding to do the work. If the documents filed by the N.A. are taken into consideration it can be said that it justified delay to some extent from last week of Sept-2015 till 12/12/2015. However there is nothing brought on record about earlier delay of more than a year as observed above. The learned representative of the N.A. has admitted about

the delay. So also the record clearly shows providing of electric connections to other consumers who have made payment to the N.A. much after the payment made by the complainant. The complainant has filed documents in that respect of no. of agriculturist. In that respect the list of the N.A. of about such 14 agriculturist who have superseded the complainant is providing electric connection, though they have made payment much after the complainant. So it is clear even the chronology of "first come first get" has been contravened by the N.A. as the other agriculturist who got earlier connection than the complainant. So there is approximate delay of period of about one year, entitling the complainant for getting compensations at the rate of 100/- per week as provided in the regulation. This forum rounds the amount of compensation on this count to Rs.5000/- on account of delay of about one year. Thus the liability of total compensation comes to Rs.17000/- (12000+5000).

6. The complainant has also claimed fine of Rs.1000/- per day against the concerned officer of the N.A. but could not justify the same. This forum is not inclined to accept this request of fine. The liability of compensation being imposed in view of this order needs to be recovered from the erring officer/ staff of the N.A. because of whose negligence/ lethargic attitude the liability is being imposed, as laid down by Hon. Supreme Court of India in the matter of Lucknow Development Authority V/s M.K. Gupta (Reported in 1994 SCC (I)243). The concerned office of the N.A. to take suitable steps in that respect, with such observations this forum proceeds to pass following unanimous order.

ORDER

1. The complaint no. 28/2015 is hereby partly allowed.
2. The N.A. is liable to pay compensation of Rs.17000/- (12000+5000) for causing delay to meet the standards of performance provided under MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation). Regulations 2014 as observed in the order for delay in issuing demand note and in providing electric supply. .

3. The N.A. to recover this liability of compensation from the erring officer/ staff of the concerned office of the N.A. for negligence/ lethargic attitude as held by Hon. Supreme Court of India in the matter of Lucknow Development Authority V/s M.K. Gupta (Reported in 1994 SCC (I) 243).
4. That the rest of the claim of the complainant is hereby rejected.
5. That the compliance report of this order to be submitted within a period of one month from this order.

s/d
Member (CPO)

s/d
Chairman

No.CGRF / AZ/ Akola/ 05

Dt. 06/01/2016

TO
The Nodal Officer,
Executive Engineer
MSEDCL,
Buldhana Division.
Dist. Buldhana

The order passed on 02-01-2016 in the Complaint No. 28/2015, is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola

Copy fwc to:

1. Shri. Purushottam Kashinath Paulzagade, At.Post Nimgaon Tq. Nanadura, Dist. Buldhana.