

prayed for issue of quotation/ demand note as per MERC approved schedule of charges in case no. 19 of 2012 and release of connection within one month, SOP compensation for the delay & cost. Alongwith complaint copies of documents have been annexed.

2. After receipt of notice of this forum N.A.-MSEDCL has filed reply opposing the claim stating that as per application by the complainant, the estimate for load of 27 HP for industrial connection is prepared and as the complainant is in MIDC area, the consent for execution of infrastructure work under Non- DDF (CC & RF) scheme was asked from the complainant. The complainant has not submitted the consent for execution of work under Non- DDF(CC&RF) scheme. Hence the N.A. office has referred the estimate to higher authority for guidelines. It is stated that as per instructions given by higher authorities, the estimate to be sanctioned subjected to proposed scheme at MIDC, Akola and accordingly the said estimate was sanctioned on dt.26.12.2016 subjected to Commercial Circular No. 240 dtd. 02.02.2015.

It is also stated that as the N.A-MSEDCL has sanctioned the estimate under Non-DDF scheme for infrastructure work under MIDC area, the complainant has to wait for the period described under SOP regulation 2014, reference has also been made to meeting of Hon-Industrial Minister, Govt of Maharashtra and Comm. Circular No. 182 Dtd. 08.08.2013 & pressed for denial of SOP compensation and cost. Alongwith reply copies of documents haven annexed.

3. Heard learned representative of complainant Shri Ashish Chandarana and learned representative of N.A.-MSEDCL Shri P.R.Ghorude, Addl. Executive Engineer. Complainant representative also submitted a written note of argument, wherein it is stated that N.A. MSEDCL has asked the complainant to submit the consent for Non- DDF(CC&RF) scheme, however applicant consumer has

not submitted. In this context, neither supply code 2005 nor SOP Regulations 2014 notified by MERC in compliance of section 50 & section 57 of EA 2003 respectively prescribes the Non- DDF CC&RF consent & any such arrangement . Non- DDF CC&RF is the arrangement designed by MSEDCL for consumers who could afford the initial expenditure & then get it adjusted through regular energy bill. Non- DDF CC&RF scheme is optional & if small consumer like applicant requiring 20 KW Power cannot afford to spent, it is the duty MSEDCL to create the infrastructure within time limit specified under SOP Regulation 2014.

4. The complainant also states that N.A.-MSEDCL is relying on estimate framed for MIDC on instructions of Hon.Industry Minister under DDF & trying to indicate that applicant's connection shall be released only after execution of the said estimate. The complainant's submission is that MIDC has no locus standi to apply for electric connection at the plot, which is leased out by MIDC to him for 99 yrs. MIDC no where stands as consumer read with section 2 (15) of Electricity Act-2003.

5. The complainant argued that the circular cited by N.A. MSEDCL bearing No. 182 dtd. 08.08.2013 issued by C.E. (Commercial) is not useful for N.A., as the same is meant for power supply in upcoming & new MIDC area, whereas the applicant's plot where the electrical connection required is located in Akola MIDC , which is neither new nor upcoming. It is also stated that the said circular has overriding effect of SOP regulation 2014 by MERC.

The complainant submits & agreed that he has applied for new connection on 06.01.2017, and N.A.- MSEDCL issued demand on 18.03.2017, which is received & paid by the complainant on 21.03.2017 & hence as per SOP Regulation

2014, the connection should have been released till 05.04.2017 i.e. within three months.

It is also stated by the complainant, making reference to NA MSEDCL's Circular No. 240 Dtd. 02.05.2015, that revised guidelines regarding standard of performance of giving new connection is reduced from 3 month to 1 month, therefore NA- MSEDCL is under obligation to follow the directives given in their own circular and finally pressed for release of new connection within 7 days, and also conditionally agreed that if the connection is released then he is not interested in pressing his demand for SOP compensation.

6. The N.A. -MSEDCL in their defense stated that it is agreed fact that the complainant applied for new connection on 06.01.2017, on his application survey is carried out as per SOP regulations and estimate is prepared and sent to Division Office for sanction on dt.12.01.2017 under Non-DDF (CC&RF) scheme. It is stated by the N.A. that with this estimate complainant has submitted letter of consent on dt.10.01.2017 for work under Non-DDF (CC&RF) scheme. But later on the complainant informed to N.A.'s Division office that reads as "consumer is not inclined to opt for the Non-DDF (CC&RF) scheme of MSEDCL & consumer is willing to pay charges in accordance with MERC approved schedule of charges for getting new connection " and hence as per guidelines issued by Hon. Minister (Industry) dtd. 13.12.2016, S.E.Akola sanctioned the estimate vide letter No. SE/AKL/T/2016-17/1.3%/Sup. charges DDF-NR/35 Dtd. 26.12.2016 and demand note of 1.3% supervision charges issued to Ex.Engr.(E&M), MIDC Nagpur on dt.12.01.2017. References for infra work in MIDC area to be carried out by MIDC under 1.3% DDF Sup.charges have been made vide letter no. 6447 Dt.30.12.2016, 6354 Dtd. 26.12.2016, 6356 Dt. 26.12.2016, 6355 Dtd. 26.12.016, and 6357 Dtd. 26.12.2016

7. It is also stated by the N.A. that though they are pressing for getting the infra work done under 1.3% supervision charges by the MIDC. But as per the law I.E.Act-2003 Section 43 infra work is to be carried out by NA -MSEDCL only. Lastly NA- MSEDCL pressed for denial of SOP compensation & cost.

8. On going through the complaint on record with documents, reply and arguments by both the parties the Forum find substantial facts in the submission of the complainant, that Non-DDF (CC&RF) scheme is the arrangement made by NA -MSEDCL for consumers who could afford the initial expenditure and then get it adjusted through regular energy bills. Non-DDF (CC&RF) scheme is optional & N.A. -MSEDCL can not force any consumer to opt for this option. Even there is no any denial from N.A.- MECDCCL 's side that Non-DDF (CC&RF) scheme is not optional. In their own circular No. 22197 Dtd. 20.05.1008, which is referred by the N.A., second column(b), it is clearly mentioned that " If the consumer/ group of consumers, wants early connection and **opt to execute the work & bears the cost of infrastructure** then the refund of the cost of infrastructure will be given by way of adjustment through energy bills". Hence Forum find it just & proper the complainant's prayer to get the new connection by paying charges in accordance with MERC approved schedule of charges.

Also as per section 43 of I.E. Act-2003, it is duty of the N.A. Licensee to create infrastructure for release of new connection. With these observations Forum proceeds to pass following unanimous order.

ORDER

1. The complaint No.14/2017 is here by partly allowed.
2. The N.A. MSEDCL directed to release the new connection of complainant within one month from the date of this order.

3. No. order as to cost.
4. The N.A. MSEDCL to submit compliance report to forum within period of one month from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni, Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AK L/ 79

Dt. :- 29 .04 .2017

TO,

The Nodal Officer/Executive Engineer
Urban Division, MSEDCL,
Akola.

The order passed on 29/04/2017 in the Complaint No. 14/2017, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to :-

1. Superintending Engineer O&M Circle, MSEDCL, Akola.
2. M/s Poonam Industries, Plot No.N-175 MIDC, Growth centre, Akola.-444104