

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“ Vidyut Bhavan ” Ratanlal Plot,Akola. Tel No 0724.2434475

ORDER .

Dt. 07/06/2017

Complaint No.17/2017

In the matter of releasing new connection for Agriculture pump at Gut No. 68 at Shemba and Payment of SOP compensation.

Quorum

Shri. R.A. Ramteke ,Member-Secretary
Shri. D.M.Deshpande-Member (CPO)

Shri Namdeo Sukhdeo Choudhary, :- Complainant
Shemba, Cinema Road, Near Rahul Tower,
Ward No. 5, Nandura Tq. Nandura
Distt.Buldhana
Ag.-293260003193

.....Vrs.....

Executive Engineer, O&M Division,
MSEDCL, Malkapur :- Respondent.

Appearances :-

Complainant Representative :- Shri P.N.Khandagale
Respondent Representative :- Shri D.R.Misal, Dy. E. E.,Nandura.

1. On being aggrieved by the decision of IGRC Buldhana issued vide IGRC /0927 dt. 22.03.2017, the complainant Shri Namdeo Sukhdeo Choudhary has approached this forum with grievance of non-releasing Ag. connection and non-payment of SOP Compensation, as per the provision of MERC CGRF Ombudsman regulation 2006.

2. Complainant's case in brief is that application for new Ag. Connection at Gut No. 68 for 3 HP motor of mouje Shemba was submitted to NA- MSEDCL on 27.01.2016. According to complainant Rs. 3200/- was paid as per

receipt No. 4127908 on 02.06.2016 against quotation issued by N.A's branch office for connection No.293260003193. According to complainant 'Test Report' for installation was also submitted on 02.06.2016. According to complainant NA-MSEDCL have violated the section 43 (1) of Electricity Act-2003 as well as provisions of supply code regulation -2005 and not released the Ag new connection and thus violated SOP regulation -2014. According to complainant the claim for SOP compensation for non release of Ag connection within 3 months was lodged with NA- MSEDCL on 20.02.2017. According to complainant, NA-MSEDCL have violated the section 43 (2) of Electricity Act-2003 as connection is not released even after payment of charges within 3 months. According to complainant NA- MSEDCL is bound to release new connection within time period specified in section 43 as laid down in supreme court judgement in civil appeal No.7275/2011 dated 02.09.2011. According to complainant NA- MSEDCL have violated the orders of Supreme Court, issued in above case. According to complainant he is entitled for SOP compensation as per SOP Regulation-2014 and also penalty at Rs. 1000/- per day be inflicted on NA- MSEDCL. According to complainant the revenue loss due to SOP and penalty be recovered from the guilty officers of NA- MSEDCL as per principle laid down in civil appeal No.6237/1990 Lucknow Development Authority Vrs M.K.Gupta issued on 05.11.1993.

According to complainant IGRC Buldhana have passed order No. 927 dt. 22.03.2017, in irresponsible way without considering the provisions of act and SOP regulation. According to complainant they have already preferred complaint to M.D. of MSEDCL regarding illegal, illogical behaviour by IGRC Buldhana. Complainant prayed to set aside, the order of IGRC Buldhana with immediate release of Ag connection with claim of SOP compensation and action against MSEDCL as per section 42,43 on 167 of Electricity Act-2003. Complainant Annexed with the complaint document such as IGRC Order dated 22.03.2017, complaint before IGRC, copy of order in civil appeal 7572/2011, and copy of order passed in M.K.Gupta Vrs Lucknow Development Authority.

3. The belated reply came to be filed by N.A. MSEDCL on 11.05.2017. According to N.A. the fact that complainant has applied for Ag. connection and paid the necessary charges on 02.06.2016 with submission of test report has not been denied. According to N.A. they have received funds from Government of Maharashtra for releasing Agriculture connection to those who have paid the charges before March-2016. The work of providing electric supply to Ag. consumers is in progress according to N.A. but for those who have paid before March-2016. As complainant has completed formalities after March-2016 i.e. on 02/06/2016, the work for releasing connection to Ag. pump of complainant will be resumed, after getting funds from the Government and connection will be released as per chronology. N.A. MSEDCL have admitted the fact that complainant approached IGRC Buldhana on 25.02.2016. N.A. MSEDCL further prayed to retain the order passed by IGRC Buldhana in the present grievance. N.A. Annexed with reply document such a work order EE/MLK/0652 Dt. 01.03.2017 with list of paid Ag consumers after March-2016.

4. Heard Shri Pramod Khandagale learned representative of complainant as well as Shri D.R.Misal Dy.E.E. Nandura learned representative for N.A. MSEDCL. Complainant's representative submitted written note of argument alongwith Government of Maharashtra G.R. dt.17.03.2016 and urged that N.A. MSEDCL have violated section 43 of Electricity Act-2003 and their own circular No. 224, in not releasing the Ag connection within 3 month and therefore claim was registered with IGRC Buldhana on 20.02.2017 for SOP compensation and early connection. Complainant 's representative brought to the notice of forum that N.A. MSEDCL in their reply have remain silent on law point, supreme court judgement in case No. 7225/2011 and provision of SOP regulation 2014 and requested forum to draw inference in favour of complainant that these provision of law are acceptable to N.A. Complainant's representative brought to notice of the forum that N.A. MSEDCL have not enclosed with their reply any Government orders,

restricting N.A. MSEDCL to release connection for payment up to March-2016 only. Complainant's representative further urged that in absence of any directives/ orders filed on record by N.A., the statement made in their reply should not be accepted by forum and further urged that N.A. MSEDCL is diverting the attention of forum deliberately and in a irresponsible way. Complainant 's representative lastly urged to allow their complaint with demand of releasing Ag. connection immediately and settlement of SOP claim.

5. N.A's representative Mr. Misal Dy.E.E. urged that the work of releasing the connection who have paid before March-2016 is in progress, but urged that no time limit for giving supply to complainant's Ag pump can be assured at this stage. N.A's representative however accepted during hearing the fact about claim for SOP by complainant on 20.02.2017 and its admissibility as per SOP regulation 2014. N.A's representative on direction from forum filed on record " Demand Note" dated 17.05.2016 issued to complainant giving reference of estimate.

6. Forum have gone through the complainant, the reply filed on record, with documents and heard learned representative for complainant and N.A. MSEDCL and considered written note of arguments. It is admitted fact on record that complainant has applied for Ag. Connection on 27.01.2016. It is not disputed that the complainant has paid the necessary charges on 02.06.2016. The plea taken by N.A.MSEDCL that Government of Maharashtra have restricted them to release connection to those who have paid before 31.03.2016 is not acceptable as no documents or orders are brought on record. Forum is of the view that no such instructions are issued by Government of Maharashtra. It will be necessary to go into the legal provision under electricity act-2003. It will be clear from section 43 of electricity act-2003 that every distribution licensee shall on an application by owner or occupier of any premises give supply of electricity to such

premises within one month provided that where such supply requires extension of distribution mains or commissioning of new sub-station within such period as may be specified by Appropriate commission. The time period is provided in SOP regulation -2014 specified by MERC. In the present case according to SOP – regulation 2014 complainant should have been intimated about payment of charges within 20 days and should have been released connection within 3 months. From the record N.A. MSEDCL have delayed in giving intimation about payment. As per record firm quotation is issued on 17.05.2016 after nearly four months, violating the SOP regulation 2014. As per firm quotation, since infrastructure is involved MSEDCL is bound by duty as per law to release connection within 3 months. No excuse for deviation from statutory duty is permissible under electricity act-2003. Forum is of the view that electricity supply to Ag.pump of complainant should be released immediately without any delay and complainant is also entitled for SOP compensation for delay in intimating demand charges and also for releasing connection. As per amended SOP regulation 2014 SOP compensation is to be claimed by the complainant within 60 days and it is claimed for new connection on 20.02.2017 and forum thinks it fit to allow SOP claim for new connection at Rs.100/- per week from Jan-2017 till the connection is released. Forum is not inclined to accept the prayer for penalty at 1000/- per day as it is not within the jurisdiction of CGRF. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.17/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to release new Agriculture connection to 3 HP motor of complainant at Shemba within one month.
3. The N.A. MSEDCL is directed to compensate complainant by SOP Compensation of Rs.100/- per week from Jan-2017 till release of connection.

4. The parties to bear their own cost.
5. The N.A. MSEDCL is directed to submit the compliance report within period of two months 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/ AKL/ 102

Dt. 07/ 06/2017

To,
The Nodal Officer,
The Executive Engineer
MSEDCL,O&M Division,
Malkapur

The order passed on 07/06/2017 in the Complaint No. 17/2017 is enclosed herewith for further compliance and necessary action.

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

Copy fwcs to:-

- 1) The Superintending Engineer, MSEDCL, O&M Circle, Buldhana.
- 2) Shri Namdeo Sukhdeo Choudhary, At. Shemba, Cinema Road, Near Rahul Tower, Ward No. 5, Nandura Tq. Nandura Distt.Buldhana