

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

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

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**ORDER.**

**Dt. 07/06/2017**

**Complaint No.18/2017**

**In the matter of releasing single phase connection to educational institute and  
SOP compensation to delay.**

**Quorum**

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

Adv. Shiv Vasant Khupase At & Po. :- Complainant  
Gadegaon Kd.Tq. Jalgaon Jamod  
Distt Buldhana. ,  
R.L.-290640001541

.....Vrs.....

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

**Appearances :-**

Complainant Representative :- Shri P.N.Khandagale

Respondent Representative :- Shri A.G.Kathole, Dy. E. E.,Jalgaon (J).

1. On being aggrieved by the decision of IGRC Buldhana issued vide IGRC/0802 dt. 09.03.2017, complainant Adv. Shiv Vasant Khupase for Balshivaji Dyan Mandir 130 Jalgaon Jamod has approached this forum with grievance as per the provision of MERC CGRF OMBUDSMAN regulation 2006.

2. Complainant's case in brief is that complainant Adv. Shiv Vasant Khupase who is director on Balshivaji Dyan Mandir located at Gut No. 130 Gadegaon Khurd applied, for new single phase connection for educational institute, to Junior Engineer Aasalgaon on 10.03.2016 alongwith necessary

documents required for releasing connection. According to complainant he has visited many times for sanction of connection to Aasalgaon office and sub-division at Jalgaon Jamod of NA- MSEDCL but concerned authorities at Aasalgaon and Jalgaon Jamod completely neglected his request and did not give firm quotation for payment of security deposit and necessary connection charges and hence complainant was constrained to approach IGRC Buldhana on 19.01.2017. According to complainant he did not remain present for hearing before IGRC but submitted written note of argument. According to complainant NA- MSEDCL have dispatched demand note for payment of charges after passing order by IGRC Buldhana on 09.03.2017. According to complainant NA- MSEDCL authorities behaved in irresponsible way which can be seen from the demand note received to complainant which is sanctioned for **Agriculture connection** with many mistakes, when application was for educational institute. According to complainant Forum should take special note of demand note. According to complainant IGRC Buldhana have committed error on law point and hence compelled to approach CGRF Akola . According to complainant as NA- MSEDCL failed to abide time period mentioned in SOP regulation 2014 for giving intimation to complainant regarding demand note and consequently delayed the release of connection, hence entitled for both SOP compensation. According to complainant as NA- MSEDCL have failed in their statutory duty as per section 43 of Electricity Act-2003, NA- MSEDCL are liable to pay penalty of Rs.1000/- per day as per section 43(3). Complainant prayed for allowing the complaint, setting aside IGRC order, release of single phase connection immediately and compensation as per SOP regulation 2014 for delay in issue demand note and delay in releasing connection. Complainant annexed with complaint 1) IGRC order dtd. 09.03.2017 (2) Original complaint to IGRC date 19.01.2017 with documents (3) demand note despatched to complaint by N.A. on 09.03.2017 with copy of registered A/D.

3. The belated reply came to be filed by N.A. MSEDCL on 02.05.2017 instead of 29.04.2017. According to N.A. on receipt of application for new connection for Balshivaji Dyan Mandir at Gadegaon Kd, Junior Engineer Shri D.L.Lade has taken entry in the computer system at application No. 8377541 dt. 07.03.2016 and generated demand note for consumer No. 290640001541 with load applied as 0.58 KW and personally handed over demand note to complainant and hence according to N.A. it will be out of way to say that due cognizance has not been taken by N.A. MSEDCL. According to N.A. complainant has not applied for SOP compensation within 60 days from 10.03.2016 i.e. up to 10.05.2016, hence claim for SOP is time barred and cannot be entertained by CGRF. NA- MSEDCL referred clause No.12.2 of SOP regulation 2014. According to NA- MSEDCL demand note copy was again sent by registered post to complainant on 09.03.2017 as ordered by IGRC Buldhana. According to N.A. complainant have pointed out certain mistakes in demand note but should have paid quotation with mistake which according to N.A. would not have make any difference in releasing connection. According to N.A. complainant has not paid as per demand note and diverting the issue before forum. According to N.A. complainant did not remain present as per letter 329 dt. 20.02.2017 issued after complaint to IGRC which proves coordinated efforts of MSEDCL. According to N.A. since complainant has not paid necessary charges despite issuing demand note two times, did not complain to local office and did not remain present even after request, his complaint should not be entertained. NA- MSEDCL pressed for dismissal of complaint since claim for SOP compensation is time barred. NA- MSEDCL annexed with reply zerox colony of despatch register one page, receipt for Rs.25 of post and letter dated 20.02.2017 addressed to complainant.

4. Complainant alongwith representative Mr.Pramod Khandagale and N.A.'s authorised representative Mr. A.G.Kathole Dy.E.E. Jalgaon Jamod were present for the hearing held on 26.05.2017. Heard Complainant's representative

Shri Pramod Khandagale and Shri A.G.Kathole Dy.E.E. MSEDCL. Complainant representative urged that even after receipt of application for new connection on 10.03.2016 at Aasalgaon centre of MSEDCL with acknowledgement dated 10.03.2016 by Junior Engineer Aasalgaon payment advise or firm quotation is yet to be received, for applied single phase connection. Complainant's representative urged that they are in receipt of firm quotation dated 07.03.2016 on 12.03.2017 after IGRC order despatched by MSEDCL on 09.03.2017. Complainant's representative brought to the notice of forum original envelope with stamp of post office for having received on 12.03.17. Complainant's representative specifically brought to the notice of forum that said demand note is never received to them earlier as said by MSEDCL on 07.03.2016 and urged that said demand note is for Agriculture purpose and 3 phase connection with load of 0.58 Kw and further urged that even on receipt of it on 12.03.2017 they are unable to effect payment under wrong pretext till correct advice is received to them. Complainant's representative further urged to allow the complaint, issue of correct advice, and release of connection within 7 days with SOP compensation for delay in issuing correct quotation and connection. Complainant's representative however accepted to have claimed SOP on 19.01.2017 and not earlier to it.

5. N.A's representative Mr. A.G.Kathole Dy.E.E. Jalgaon Jamod urged that the date of receipt of application for new connection as 10.03.2016 is not disputed but some mistakes have been committed while feeding the data to system which resulted in generation of demand note with some mistakes but claimed the name of complainant and amount of security deposit to be correct and according to him should have been paid by complainant. Mr. A.G.Kathole Dy.E.E. further took the plea that connection at this stage is feasible from Ag. feeder fed from special design transformer and complainant refused to take connection from S.D.T. feeder and insisted to release connection from Gaothan

feeder supported by no documents. Mr. A.G.Kathole Dy.E.E. further urged the demand for SOP should not be accepted by forum since time barred but however assured forum to issue firm quotation within 3 days and connection within 7 days from S.D.T. feeder.

6. Forum have gone through the complaint on record with documents, reply submitted by N.A. with documents and arguments by both parties. Forum finds substance in the complaint and forum is of the view that complainant has made out the case substantially. Date of application as 10.03.2016 has not been disputed. N.A. could not bring on record that demand note against application dated 10.03.2016 is issued to complainant other than received to complainant on 12.03.2017, which according to forum is not for single phase connection demanded by complainant. Forum find substance in the plea taken by complainant about non payment against wrong and different purpose demand note. Forum accepts the plea that correct demand note is not received to them up till now. N.A. MSEDCL could not substantiate the argument on record that complainant has refused the connection from Ag. Feeder. No documents are filed on record by N.A. to show that complainant has refused to take connection from Ag feeder fed from S.D. Transformer. On the contrary complainant has shown his willingness to accept the connection from Ag feeder which is proved beyond doubt from the document dated 10.03.2016 submitted for new connection, and which is filed on record. It is beyond imagination of forum that why corrective action has not been taken even after complaint to IGRC and admission of mistake by N.A. MSEDCL and continued insistment of payment by complainant against wrong demand note and delayed the connection. The attitude of N.A. MSEDCL in dealing consumer grievance is noted with comment that specific provision in Electricity Act-2003 dealing with consumer's interest are the distinguishing features of the new law with increasing awareness among consumers these provisions will go a long way in improving the performance of the utilities, in terms of quality of supply of electricity, which are SOP

compensation 2014 and forum is of the view that complainant is entitle for SOP compensation for delay in issuing demand note and delay in releasing connection. As per SOP regulation 2014 demand note should have been issued within 20 days i.e. before 31.03.2016 which is not issued yet with necessary correction which is continuing cause of action and makes the complainant entitle for SOP from 19.11.2016 as claimed from 19.01.2017. Forum is of the view that N.A. MSEDCL should issue correct demand note within 3 days and release the connection within 7 days as committed before forum. With these observations forum proceeds to pass following unanimous order.

**// ORDER //**

1. That the Complaint No.18/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to issue correct demand note for single phase connection within 3 days and directed to release connection within 7 days to the educational institute.
3. The N.A. MSEDCL is directed to compensate complainant for delay in issuing demand note from 19.11.2016 till demand note is issued at Rs.100 per week as per SOP regulation -2014
4. The N.A. MSEDCL is directed to compensate complainant for delay in releasing connection from 19.11.2016 till connection is released at Rs.100 per week as per SOP regulation 2014
5. The parties to bear their own cost.

6. The N.A. MSEDCL is directed to submit the compliance report 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

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**No.CGRF /AKZ/ AKL/ 103**

**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. 18/2017 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) Adv. Shiv Vasant Khupase At & Po.Gadegaon Kd.Tq. Jalgaon Jamod Distt Buldhana.