

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

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

Dt.05/02/2016

Complaint No. 35 / 2015

**Grievance pertaining for non providing of electric connection SOP compensation
for delay cost by the N.A.**

Quorum

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

Shri. Rajkumar Ramnarayan Rathi,

Complainant

.....Vrs.....

Executive Engineer MSEDCL, Akola (Rural) Division.

Respondent

Appearances :

Complainant Representative: Shri. Ashish S. Chandarana.

Respondent Representative: Shri. Sushilkumar C. Jayswal, Dy.E/E., Rural Dn. Akola.

1. The complainant case in brief is that order after submission of application for connection on dt. 30/07/2014, the quotation was issued late on dt. 23/12/2014, though it is dt. 16/12/2014. In spite making payment of Rs.2,650/- on 13/12/2014 itself, nothing was done so approached to the IGRC on 02/07/2015 however neither hearing has been taken nor any reliefs given so approached this forum seeking reliefs prayed for alongwith complaint copies of document annexed.
2. In spite notice and adjournments no reply was filed and at the time of arguments, the reply came to be filed with application for condoning the delay which was allowed. The N.A. has admitted the facts and stated that the complainants name and serial no.935 is in the pending list of Sub Division. As per N.A. upon the funds made available by the government, consumers who have made payment of quotation till dt.31/03/2013 the work of providing connection is going on and for LT- consumers, the work of refecton of line for the consumers who have paid amount up to 31/01/2014 is going on and lastly pressed for dismissal of the complainant. No document filed with the reply.

3. Heard learned representative of the parties. As observed above the date of submission of application on 30/07/2014 and issuing of quotation dt. 16/12/2014, received by the complainant on dt.23/12/2014 and making payment of on 23/12/2014 itself are not in dispute. As per MERC regulation 2014 various standards of performance to be done by N.A. are fixed, so also level of compensation payable upon failure to meet such standards. As per those regulations maximum period of 30 days is provided for giving quotation/demand note to the consumer in Appendix-A-1(ii). It also provides compensation of Rs.100/- per week if the delay is caused. The complainant's version of demand receiving of note on 23/12/2014 as well as making payment on the same date are not disputed. So apparently there is delay of about 19 weeks in issue of demand note than the prescribed standards under regulation 2014 As per the provisions of those regulations compensation payable comes to Rs.1900/- for the period of the delay than prescribed standards..
4. As far as the other aspect of not providing electric connection it is also clear that there is delay. As per standards of performance in the regulation 2014 period is of 3 months as per Appendix-A 1 (iii) of regulation 2014 and for delay period same type of compensation is provided. Considering the submission it was though fit to direct the N.A. to bring A-1/F1 form register and paid pending list. Xerox copies of some documents produced on record. From those documents more particularly alleged register it is clear that the same is not duly filed in all respect, so also original is not brought. From the said document it cannot be ascertained as to which of the consumers connection is provided and the date there of. From the Xerox of so called pending list, it can be gathered that some of the consumers who have made payments later than the complainant, have been given connection. In any case the Regulation cannot be overlooked by the N.A. The N.A. has failed to make out its defense, specially when other consumers who have made payment after complainant got the electric connection. The N.A. has not produced all the relevant documents and evidence in its possession though it was obligatory on its part. After direction of the forum come Xerox copies, with incomplete details

produced. As per legal position strong adverse inference is required to be drawn against the N.A. therefore. The N.A. cannot pick and choose as per its (concerned staff) will. There cannot be discrimination. The IGRC didn't hear the matter within the period as prescribed and even thereafter. This forum, in view of available material on record thinks it proper to direct N.A. to provide electric connection within one month and to recover the amount of compensation required to be paid on account of delay caused in issuing quotation because of the erring officer/ staff for negligence. This is as per ruling of Hon'ble Supreme Court in the matter of M.K.Gupta V/s Lucknow Development Authority reported in 2003 SCC (1) Page no.293. That there is no steno, typist available in the office since long. Even part time typist on job basis was not available since last number of days hence the order could not be passed early within the stipulated period. Hence the following unanimous order.

ORDER

1. Complaint no. 35/2015 is hereby partly allowed. The N.A. is directed to provide electric connection to the complainant within one month. So also to pay Rs.1900/- as SOP compensation for delay caused in meeting standards of the performance prescribed in Regulation 2014.
2. The N.A. is directed to recover the liability of SOP compensation from the concerned erring officer/staff for negligence, as laid down in the ruling of Hono'ble Supreme Court in the matter of M.K.Gupta V/s Lucknow Development Authority, reported in 2003 SCC (1) Page no.293
3. That the compliance report to the submitted within a period of two month from this order.

S/d
Member/ Secretary

S/d
Member (CPO)

S/d
Chairman

No.CGRF / AZ/ Akola/ 26

Dt. 05/02/2016

TO
The Nodal Officer,
Executive Engineer (Rural)
MSEDCL,Division Circle
Dist. Akola.

The order passed on 05/02/2016 in the Complaint No. 35/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. Shri. Rajkumar Ramnarayan Rathi, Main Rd. Chohotta Bazar,Tq. Akot, Dist. Akola.
2. Executive Engineer, MSEDCL O&M Circle, Akola.