

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt. 17/06/2016

Complaint No.5/ 2016

In the matter of grievance pertaining to SOP Compensation,damages, for delay in providing electric connection etc.

Quorum

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

Prakash Vinayak Wankhade :- Complainant
Consumer No. RL -293228033640

.....Vrs.....

Executive Engineer MSEDCL, :- Respondent
Malkapur Division.

Appearances: -

Complainant Representative :- Shri. Pramod Khandagale

Respondent Representative :- Shri. D.R.Misal, Dy. Executive Engineer

1. Being not satisfied with the order of IGRC Buldhana, the complainants has approached this forum for redressal of this grievance. In substance the complainant's case is on 12.01.2015 he has submitted application in requisite format for residential connection. For which the N.A. has issued notice of demand on 07.08.2015. Accordingly the complainant deposited the amount on 11.08.2015 with Test Report. In spite thereof the supply was not provided though the complainant made representation so also approach made to IGRC. According to complainant the N.A. by contravening the regulations/circulars as well as order of MERC has issued letter to the complainant for incurring expenses for connection. As per complainant the N.A. as well as IGRC ought to have taken suitable steps & action against the erring officer but that having been not done, the complainant is compelled to approach the

forum as the IGRC has passed part relief in the form of SOP compensation of Rs.3500/- from the concerned officer and as per the said order the compensation amount was remitted with providing of electric connection on 28.01.2016. The complainant was required to occupy rental premises @ 3000/- per month & N.A. is liable for those damages. The IGRC has not taken action by awarding fine of Rs.1000/- per day against the erring parties hence the complainant seeking the relief prayed for. Alongwith complaint bunch of documents came to be filed.

2. That in spite receipt of notice of this forum, the N.A. failed to file reply on the due date and chosen to remain absent. When the matter was preceeded for further hearing then alongwith application for condone the delay, reply has been filed. Order was passed & the said reply is taken on record. In the said reply the facts have been admitted about giving of application for residential connection so also providing of electric connection with compensation with contention that the complainant has not explained as to how the ruling cited in the complaint is applicable. It is stated that on 28.01.2016 the electric connection has been provided so also cheque of Rs. 3500/- dt. 20.02.2016 has been issued as per IGRC order. The N.A. has admitted the facts & stated that in view of providing electric connection as well as payment of SOP compensation Rs. 3500/-, the complainant is not entitled for any further relief & complaint is liable to be dismissed. Alongwith reply copies of 3 documents have been annexed.

3. Heard Shri Pramod Khandagale, learned representative of the complainant & Shri D.R.Misal, Dy. Executive Engineer, learned representative of the N.A. On behalf of the complainant written notes of argument also came to filed. That in view of providing of electric connection as well as payment of SOP compensation of Rs.3500/- as per IGRC order the scope of controversy remained to be decided is limited, in respect of claim of damages claimed by the complainant. The complainant claimed compensation under section 43 of the Electricity Act so also claimed reimbursement of amount paid by him as rent alleging that he was compelled to occupy rental premises @3000/- per month because of deficiencies in services on account of delay in providing electric supply & such claim is made against the officer responsible for such delay. If one peruses the application (form X) submitted by the

complainant before IGRC as well as the order of IGRC, it is apparently clear that there is no reference of alleged claim of reimbursement of Rs. 3000/- rent per month. So it is clear that in the present complaint alleged claim has been made for the 1st time. No doubt there is reference of section 43(3) Electricity Act-2003 for claiming compensation. On going through section -43 of the Electricity Act it is clear that it seems that in the facts & circumstances of the case the claim made by the complainant cannot be granted by this forum in its jurisdiction under the regulation. Admittedly the regulations & supply code have been formulated by MERC so also different period have been specified as standards of performance for different activities alongwith compensation in case of failure to meet those standards of performance. Admittedly in the present case for the delay caused the compensation has been paid by way of Rs. 3500/- to the complainant. Consequently relief/solace has been provided to the complainant for the delay caused in providing supply. This forum is not inclined to accept the submission about claim made by complainant for order of reimbursement of Rs.3000/- per month of the rent as well as compensation. In any case the alleged claim is too remote & when the relief as provided under MERC regulation having received by the complainant, his alleged claimed as cannot be entertained. The complainant is there for not entitled for any further relief, before this forum.

4. Here it needs to be mentioned that the approach & attitude of the officer of the N.A. is not reasonable & in terms of the provision under statute/regulation . Admittedly after submission of application for residential connection on 12.01.2015 nothing was done for sufficient long time and on 07.08.2015, the demand note issued. The complainant remitted the amount on 11.08.2015, again there was no action from the side of N.A. in spite approach of the complainant on 26.11.2015 & then approach to IGRC on 05.12.2015. Only thereafter the concerned officer has given letter dtd. 23.12.2015 asking the complainant to opt for non DDF CC&RF scheme whereby electric connection can be provided immediately, so thereby asking the complainant for adopting alleged scheme, instead of following statutory provision/regulations framed by MERC. The said conduct of the concerned officer cannot be appreciated & only after approach to IGRC the N.A. has shown/taken some movements . The concerned higher authority to take note of the same and to issue directions to all concerned officer/staff mentioning that it will be their personal

liability for the damages/compensation if required to be incurred by the licensee for such lethargic/ negligent attitude on their part with such observations this forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No.5/2016 is hereby disposed of in view of payment of SOP compensation of Rs. 3500/- to the complainant, no further relief is required to be granted.
2. The concerned authority to issue appropriate directions to all the concerned officer/staff in terms of para 4 of the order.
3. That in the circumstances no order as to cost.

sd/-
Member/Secretary

sd/-
Member (CPO)

sd/-
Chairman

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/ 89

Dt. 17.06.2016

TO

The Nodal Officer,
Executive Engineer
MSEDCL,Malkapur Division.

The order passed on 17/06/2016 in the Complaint No. 5/2016, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:-

1. Shri.Prakash Vinayak Wankhade,
Shri Payoshni Nagar, Near Police Colony, At & Po. Nandura,Tq. Nandura Distt. Buldhana.
2. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana

5. That the compliance report to be submitted within period of one month from the date this order.

sd/-
Member/Secretary

sd/-
Member (CPO)

sd/-
Chairman

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

THE ELECTRICITY OMBUDSMAN,
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Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 89

Dt. 17.06 .2016

TO

The Nodal Officer,
Executive Engineer
MSEDCL,Malkapur Division.

The order passed on 15/05/2016 in the Complaint No. 5/2016, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:-

2. Shri.Prakash Vinayak Wankhade,
Shri Payoshni Nagar, Near Police Colony,
At & Po. Nandura,Tq. Nandura Distt. Buldhana.
3. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana.

S.R.Chitale
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman

s/d
Member/Secretary

s/d
Member (CPO)

s/d
Chairman