

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt. 19/08/2016

Complaint No.16/ 2016

In the matter of grievance pertaining to non providing electric supply SOP
Compensation,on account of delay in making compliances.

Quorum

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

Shri, Vinayak Pralhad Dethe, :- Complainant.
At. Dolarkhed Po. Matargaon Tq. Shegaon
Distt. Buldhana.
Consumer No. RL-298650003097

.....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 fully satisfied with the order of IGRC Buldhana, the complainant approached this forum for redressal of his grievance. In substance the complainant's case is that on 22.01.2015, he has submitted application for Agricultural Pump connection however there was delay in issuing intimation of demand note dt.23.04.2015. Accordingly complainant deposited the amount on 07.11.2015so also submitted Test Report on 18.11.2015, in spite thereof as per provision/regulations the connection was not provided, compelling the complainant to approach to IGRC Buldhana. After hearing, the said authority granted SOP

compensation of Rs. 857/- only, and vague order in respect of providing of electric connection. The complainant further alleged that he has shown willingness for getting connection under non DDFCCRF Scheme by letter dt. 29.02.2016, so also made reference of letter dt. 10.03.2016 with further averments that the said transformer was though sanctioned on 28.03.2014, but it was not installed after long lapse of time, establishes negligence on the part of the concerned office. Reference has been made to provisions of statute and regulations with further averment that the N.A. has contravened the provision causing tremendous loss to the complainant and alleged that as per ruling of the Hon. Supreme Court of India in the matter of Lucknow Development Authority Vrs M.K.Gupta, the erring officers are responsible, hence sought the reliefs prayed for. Alongwith the complaint copies of documents have been annexed.

2. After receipt of notice of the forum, the N.A. applied for time to file reply & later on filed reply, admitting therein most of the facts including that of remittance of amount on 07.11.2015 & submission of Test Report on 18.11.2015, so also admitted complainant letter dt. 29.02.2016 & reply dt.10.03.2016. It is stated that in the pending list of 2015-16 the complainants name is entered and he will be provided connection after completing tender formalities, as per seniority list. An amount Rs.857/- towards SOP compensation has been paid by cheque dt. 05.07.2016 & lastly pressed for dismissal of the complaint. Alongwith reply copies of 3 documents came to be filed.

4. Heard Shri Pramod Khandagale, & Shri D.R.Misal, Dy.E.E. the learned representatives for the parties, most of the facts are not in dispute, though the complainant approached IGRC Buldhana it has granted SOP compensation of Rs. 857/- for delay in giving demand note. It has rejected the other reliefs sought for by the complainant only on the ground that the complainant deposited the amount, belatedly, on 07.11.2015. On going through the provisions it is clear that the IGRC Buldhana has committed apparent error/mistake. It needs to be mentioned that the complainant approached for grievance even

for not providing of electric connection and IGRC Buldhana while granting SOP compensation has rejected/denied the relief sought for electric connection only on the ground of making delay payment of demand note by complainant on 07.11.2015. This is totally absurd approach. The IGRC Buldhana ought to have considered the provisions of the regulations as well as reply of the N.A. in this regards. As per reply of the N.A. before IGRC Buldhana, it is clear that the work order of transformer was given to M/S Someshwar Electricals and after completion of the works complainant would be informed about electric connection (as is clear from order of IGRC Buldhana itself). From the reply of the N.A before this forum it is clear that the transformer from which connection was to be provided was sanctioned on 28.03.2014 and work order in that behalf has been given to M/S Someshwar Electricals on 10.11.2015. Though the N.A.has referred to alleged pending list & alleged seniority list, however nothing has been filed on record in that regard. It was for the N.A. to place relevant documents, having not brought the relevant documents concerning the matter in controversy, as per law, adverse inference needs to be drawn against the N.A. Even during course of arguments nothing has been stated for not producing the relevant documents from the side of N.A.

5. The record clearly shows that the complainant has filed bunch of documents. Though the complainant has sought relief of recovery of compensation from erring officer relying upon the order of the Hon. Supreme Court of India, however the documents of filed by the complainant himself clearly shows that the Dy.E.E. Nandura sub-division, as well as Executive Engineer Malkapur division, have given letters to the said contractor M/S Someshwar Electricals and copies thereof have been forwarded to other offices also. Copies of letters dt. 11.02.2016, 05.03.2016, 14.03.2016, and 05.04.2016 etc, have been filed on record by the complainant and recitals therein clearly shows that the said contractors M/S Someshwar Electricals has been informed about not making any progress in work and consequences thereof including grievances of the consumers and for speeding up the work so also upon failure to face the consequences. So apparently the documents filed by the complainant himself clearly shows that the concerned officers were persuading the concerned contractor, & it is fault on the part said contractor, in delay. As per the record itself line was to be provided to the complainant from the transformer to be erected near existing

one. As per the provision of MERC regulations period of 3 months is provided. The complainant has fulfilled obligations on his part by 18.11.2015, so the electric connection ought to have been provided on or before 19.02.2016. As already observed above the N.A. has utterly failed in explaining the delay in providing electric connection and as per MERC regulation(2005)2014 as well as Electricity Act, it is obligatory to make compliances and upon failure to meet the standards of performance fixed, liability of compensation @ Rs.100/- per week for delayed period. The N.A. therefore liable for the same. That upon considering the available material on record more particularly the letters of the concerned officers to the contractor, M/S Someshwar Electricals, the said agencies is also liable to bear the impact of monitory liability which will be till providing of electric connection to the complainant from 19.02.2016 onwards. As far as claim of the complainant for fine under section 43 suffice to say that the said claim is not tenable before this forum, apart from it is too remote. With such observations this forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.16/2016 is hereby partly allowed.
2. The N.A. is directed to provide electric connection to the complainant at the earliest.
3. The N.A. is liable to pay compensation @ Rs. 100/ per week from the 19.02.2016 onwards till the date of providing electric connection to the complainant. Rest of the claim of the complainant is hereby rejected.
4. The N.A. to recover the monitory liability imposed vide this order from the concerned contractor M/S Someshwar Electricals, Khamgaon and the concerned officer of concerned office of the N.A., after enquiring in the matter.

5. That in the circumstances no order as to costs.
6. That the compliance report to be submitted within period of Two month from 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,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKLZ/ AKL/ 125

Dt. 19.08.2016

TO,
The Nodal Officer,
Executive Engineer
MSEDCL, Malkapur Division.

The order passed on 19/08/2016 in the Complaint No. 16/2016, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana.
2. Shri Vinayak Pralhad Dethe, At. Dolarkhed Po. Matargaon Tq. Shegaon Distt. Buldhana.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
Chairman

R.A.Ramteke
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman