

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt. 18/08/2016

Complaint No.17/ 2016

In the matter of grievance pertaining to 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 Gajanan Pandhari Ingale, :- Complainant.
At. & Po. Nimgaon Tq. Nandura
Distt. Buldhana.
Consumer No. RL-293250105565

.....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 05.05.2014, he has submitted application for Agricultural Pump connection however there was delay in issuing intimation of demand note dt.20.02.2015. Accordingly complainant deposited the amount so also submitted Test Report on 17.03.2015. In spite there of as per provision in /regulations the connection was not provided,compelling the complainant to approach to IGRC Buldhana. After hearing, the said authority granted SOP compensation of Rs. 3916/- only, and vague order in respect of providing of electric connection. 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 officer are responsible, hence sought the reliefs prayed for. Alongwith the complaint copies of documents have been annexed.

2. That after receipt of notice of the forum the N.A. applied for to file the reply, after that time reply came to be filed on 12.07.2016 wherein most of the facts have been admitted including remittance of payment as per demand note, so also submission of Test Report on 17.03.2015. It is further stated that the electric connection has been provided to the complainant on 07.07.2016, so also making of payment of Rs.3916/- as SOP compensation vide cheque dt. 05.07.2016 and lastly is stated that rest of the claim made in the complaint be kindly rejected as the electric connection has been provided so also compensation. Alongwith reply copies of two documents came to be filed.

3. Heard Shri Pramod Khandagale, & Shri D.R.Misal, Dy.E.E., the learned representatives for the parties. As far as delay in issuing demand note the IGRC has granted SOP compensation and admittedly an amount of Rs.3916/- has been paid to the complainant. Similarly electric connection has been provided on 07.07.2016. In view thereof the only points remains in respect of SOP compensation for delay caused in providing electric connection. Admittedly on 17.03.2015 the complainant remitted the amount as per demand note so also submitted Test Report. So the complainant has fulfilled requirements to be complied with on his part & it was for the N.A. to make compliances as per regulations. The Electricity Act –as well as MERC regulations 2005 (Now 2014) laid down the prescribed standards of performance alongwith liability of compensation upon failure to meet those prescribed standards of performance, it also provides compensation @ 100/- per week. In the above regulation prescribed standards of performance has been referred taking in to consideration of 3 different contingencies. Neither in the reply of the N.A. nor in the documents filed with reply there is reference of reason for delay beyond the prescribed period. So also nothing has been stated as to which contingency was applicable. In view

thereof the submission made on behalf of the complainant for fixing of the period of standards of performance is of 3 month for providing electric connection as laid down in appendix A-1 (III) is to be accepted . So thereby the electric connection ought to have been provided on or about 18.06.2015 i.e. after period of 3 months Admittedly electric connection has been provided on 07.07.2016 i.e. after complainant approached IGRC Buldhana in 1st week of April-2016, then to this forum in 3rd week of June-16. It is clear from the record that only after approaches made by the complainant to the authorities then only the concerned office of the N.A. woke up, the connection has been provided on 07.07.2016, so there is delay of about 45 weeks than the standards of performance prescribed under the above referred regulations. Accordingly SOP compensation @ Rs.100/- per week comes to Rs. 4500/-. The complainant is entitled for that much SOP compensation.

4. 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 filed by the complainant itself clearly shows that the Dy.E.E. Nandura subdivision, as well as Executive Engineer Malkapur division, have given letters to the said contractors 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 of 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 17.03.2015, so the electric connection ought to have been provided on or before 17.06.2015. 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 17.06.2015 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.17/2016 is hereby partly allowed.
2. The N.A. is directed to pay compensation of Rs. 4500/ to the complainant in view of failure to meet the standards of performance prescribed in MERC regulation (2005) 2014 for providing electric connection. Rest of the claim of the complainant is rejected.
3. 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.

4. That In the circumstances parties to bear their own cost .
5. That the compliance report to be submitted within period of Two months 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/ 124

Dt. 18.08.2016

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

The order passed on 18/08/2016 in the Complaint No. 17/2016, 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 Gajanan Pandhari Ingale, At. & Po. Nimgaon Tq. Nandura Distt. Buldhana.

Sd/-
Member/Secretary

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Member (CPO)

Sd/-
Chairman

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Member (CPO)

T.M.Mantri
Chairman