

circular of Licensee Company. As no electric connection was provided the complainant approached to IGRC on 24.05.2016. It is alleged that though till date no electric connection has been provided however show has been made about providing of electric connection and on that basis IGRC has passed impugned order even without considering the grievance of compensation etc. The complainant is seeking reliefs prayed for & referred to judgement of Hon. Supreme Court of India in the matter of Lucknow Development Authority Vrs M.K.Gupta. Alongwith the complaint copies of bunch of documents came to be filed.

2. That after receipt of notice of the forum the reply came to be filed on behalf of N.A. wherein most of the facts have been admitted, such as submission of application for connection, remittance of amount with Test Report. It is stated that after receipt of application dtd. 10.03.2016 of the complainant, the concerned Junior Engineer has instructed the concerned Lineman, for submitting spot inspection report, it is stated that because of non erection of pole providing of connection is pending. According to the N.A. the complainant is a resident of mauje Rumna & his Agricultural field is at mauje Jambhora. The N.A. also tried to justify absence of the name of the complainant in pending list of Jambhora however tried to blame the complainant for not making any correspondence about pendency of the connection, after 10.03.2016. The work order has been given to contractor who has completed the work and provided electric connection on 16.06.2016 with meter No. 1995114 of Jinas Co.- According to the N.A. nothing is pending about electric connection of the complainant, no document has been filed from the side of the N.A.

3. Heard Shri Pramod Khandagale, & Shri V.M.Jizilwar, Executive Engineer, the learned representatives for the parties. On behalf of the complainant written notes of arguments, as well as some documents came to be filed, at the time of hearing and copies thereof have been given to the learned representative of N.A. Similarly during the course of hearing the learned representative of the N.A. was making reference of providing of electric connection to the complainant in June-2016, so also referring to copy of CPL in the name of the complainant. Considering the submission & making reference thereof by the learned

representative of the N.A ,he was asked to produce those documents on record, accordingly the learned representative of the N.A has filed on record copy of duplicate bill in the name of complainant dtd. 10.08.2016, so also copy of CPL, we will consider these documents with submission of the parties, lateron.

4. From the reply of N.A. as well as submission at the time of arguments it is an admitted position that after submission of application for Ag. connection on 17.10.2006, the complainant has been informed by giving demand note on 25.02.2009 for depositing the amount and the complainant deposited the amount on that date itself, so admittedly there is abnormal delay in giving demand note to the complainant, contrary to the provisions of MERC (Standards of performance of Dist. Licensee, period for giving supply & regulation - 2014.). Maximum period of 30 days is provided and upon failure to meet the said standards of performance, compensation of Rs.100/- per week or part of delay is provided, as per the said provision, there is delay of more than 27 months i.e. 108 weeks in giving demand note to the complainant on 25.02.2009. As per the above referred regulation SOP compensation for such delay comes to Rs. 10,800/- ,The complainant's claim in that respect is supported with the regulations as referred to above.

5. According to the complainant even after remittance of amount as per demand note & submission of Test Report on 25.02.2009 itself, the connection has not been provided, contravening the above referred regulation. As per defense of the N.A. the electric connection has been provided on 16.06.2016 whereas according to the complainant the meter, that too old, has been installed on 27.09.2016 & the electric connection has been provided. The explanation tried to be given on behalf of N.A. that till dt 10.03.2016,the complainant has not made any communication in writing about non providing of electric connection & so there is delay, cannot be accepted. Firstly after fulfillment of obligation on the part of complainant/consumer, it is the N.A (Licensee) to take further steps of providing of electric connection. The N.A. has failed there in. The complainant's submission that after remittance of Rs.5500/- on 25.02.2009 he was contacting the concerned office/officer for

connection, but it was not done. The complainant has filed on record copy of letter dt. 23.02.2016 about not getting electric connection with giving reason for delay, making allegation against the concerned Engineer of making demand , which was not fulfilled by the complainant hence there is delay. The copy of the said letter on record bearing seal & signature of the receipt clerk. Apparently in spite thereof nothing was done even though serious allegations made by the complainant therein. So again Letter dtd. 10.03.2016 came to be submitted, which has been admitted in reply of the N.A. , so also it bears signature about receipt thereof. The complainant there after approached IGRC Buldhana vide application dtd. 24.05.2016 in form X. The copy thereof on record bears seal and signature of the receipt clerk of the said office with date as 24.05.2016. According to the complainant no opportunity of hearing given before IGRC & the order dtd.23.06.2016 has been passed mere on the “say” of the officers of the N.A. to protect the erring officer/employee, making observation about disposal of the grievance of the complainant on the ground of providing of electric connection on 16.06.2016.

6. During course of arguments the learned representative of the complainant has referred to letter dtd. 24.06.2016 to S.E. Buldhana in that respect so also copy of letter dtd. 02.07.2016 of S.E. Buldhana to C.E. Akola. It is pertinent to note that in spite making of allegation and grievance by the complainant for delay in giving electric supply no document has been brought on record from the side of the N.A. to support the stand taken in reply about providing of electric connection on 16.06.2016, in spite availability important documentary evidence about the giving of meter from the concerned office to concerned person, gate pass , stock register of the meter etc, giving of intimation to the complainant for installing the meter & giving of connection, work order to the contractor and his report about work done etc. It is admitted that-before issuing of demand note o the complainant, spot inspection was done and looking to the nature of work required to be done for connection the demand note in question was issued. In view thereof the other reason for delay in giving connection is not correct. It is only by way of after thought. In any case the work could have been done in prescribed standards as per regulation. The complainant has categorically

averred that in his absence, the meter has been installed on 27.09.2016 i.e. also old meter & same is tied with by wire. The photo of the said meter dt.29.09.2016 is produced on record which clearly shows the condition of the meter. During course of the argument the concerned Assistant Engineer who was present before the forum has admitted orally about installation of meter on 27.09.2016. The record clearly shows that after approach made to IGRC in May-2016, mere show has been made about providing of electric connection on 16.06.2016, whereas the fact was not as the such. There is ample material/circumstances to arrive at the conclusion of providing of electric supply on 27.09.2016, apart from oral admission of concerned A.E. Thus there is apparently delay to providing electric supply as per above referred MERC regulation 2014. Even by given all latitude towards the N.A., the period of 3 months is provided in said regulation, there is admittedly abnormal delay in providing electric connection to the complainant i.e. about 7 ½ years i.e. about delay of 360 weeks. As per regulation referred to above compensation @ 100/- per weeks or part thereof is provided, in view of failure to meet the standards of performance prescribed under the said regulation so it comes to Rs. 36,000/- for delay of 360 weeks . This claim of the complainant supported by the MERC Regulation-2014.

7. The complainant has also claimed imposing of fine @ Rs. 1000/- per day delay against those responsible officer and also prayed for direction of providing compensation and fine relying upon judgement of Hon. Supreme Court of India in the matter of Lucknow Development Authority Vrs M.K.Gupta. As far as claim of fine @ Rs. 1000/- per day, suffice to say that the same is not permissible and this forum has grave doubt whether such claim is tenable before this forum. The complainant failed to make out case for entitlement of fine as claimed. As far as the reliance of the complainant on the ruling of the Hon. Supreme Court of India as referred to in the complaint, looking to the facts and circumstances and lethargy/negligence attitude on the part of concerned officer/officers of the concerned office of the N.A., this forum is of the view to accept the said request made by the complainant. For the lethargic attitude/negligence of the concerned officer/officers the liability is to be casted upon such erring person, and this forum is of the view that the licensee should not suffer

financial liability on account of such conduct of such erring person. The N.A. to recover the monetary liability imposed in the order from the concerned erring officer/person apart from taking other disciplinary action as per rules and regulations.

8. That during the course of hearing and going through the copy of CPL & duplicate bill of June-2016 filed by the N.A. ,this forum directed the learned representative of the N.A. to provide details including documents about the said bill as well as CPL & what steps have been/ are being taken for such other connection standing in the name of complainant. That recently the concerned office of the N.A. has sent written submission dt.19.10.2016 with two documents,P.D. report and NSC report. On going through the said written submission it is clear that, it is mere reproduction of the reply earlier filed on record, with certain modification/addition on page No. 2. It appears from the copy of CPL of N.A. that the said connection is in the name of complainant, with other consumer No. 301471006947 at Jambhora showing supply dt.as 28.02.2010 . The CPL also clearly shows that till June-2016 there is progressive reading of each quarter, with issuing of the bills for the amounts mentioned there in, with accumulating arrears of Rs.12,666/- in June-2016 with meter reading "15101 to 15506" (of June-16 only), the meter no is shown as "05221374 " which is all together different than the meter no provided to the complainant. For the said meter No. (05221374) bill for June-2016 amounting to Rs. 12,670/- is filed on record, which is as per the entry in CPL filed on record. It is also clear that in spite showing of the said connection as "**LIVE**" in CPL and fact that no payment has been made at any time, as per the said CPL but no steps have been taken to ascertain , where the electricity is being used in the name of the complainant, that too, without making any payment in spite preparation of Bills with progressive readings for more than 7 years till June-2016. It appears that there by tremendous loss is being caused to the licensee company, within the knowledge of the concerned staff/officer but not taking any action. When this forum enquired wheather any action has been taken for such recurring losses of the licensee company in this case and there may be similar other instances, the answer was it will be ascertained. In written submission dt.19.10.2016 filed recently it has been stated in last but one para that disciplinary action

will be taken against the concerned employee/officer. This forum has to make observations in that respect and expects from the concerned senior office/officer about taking of serious note and action, so as to avoid losses of the Licensee company and giving directions to all concerned to be vigilant so as to avoid similar instances.

9. Alongwith reply dtd. 19.10.2016, P.D. connection report dt. on 17.10.2016 is filed on record for the said consumer no." 301471006947" stating about P.D. due to ----- on 17.10.2016. The meter no mentioned there in is 05221374 without giving other required details which are to be given at the time of disconnection, so also there is NSC report filed with the reply dtd. 19.10.2016 in the name of complainant, as new connection mentioning there in " consumer no.30147000647 so also mentioned Receipt date shown on "**18.10.2016**" mode of payment "**CASH**" however the receipt no is shown as 07351443 dt.25.02.2009 under which the complainant has remitted the payment. The meter no therein is given as 1995114 HPL this it appears that there are two different consumer numbers as well meter numbers shown in the name of the complainant. One of such alleged connection has been permanently disconnected on 17.10.16 but what happened to amount outstanding against it as shown in CPL. It will be necessary to take steps therefor by the concerned authorities so as to avoid losses of the Licensee company. With such observation this forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No.20/2016 is hereby partly allowed.
2. The N.A. is liable to pay SOP compensation of Rs. 10800/ (Ten Thousand Eight hundred) and Rs.36000/- (Thirty six thousand) in view of failure to meet the standards of performance as prescribed under MERC Regulation 2014 for issuing of Demand Note and providing of electric connection, respectively, to the complainant.
3. That rest of the monitory claim of the complainant hereby rejected.
4. That the N.A. Licensee to recover the monitory liability imposed vide the order

from the erring staff/officer as per ruling laid down by Hon. Supreme Court of India in the matter of M.K.Gupta Vrs Lucknow Development Authority, apart from taking disciplinary action as per rules.

5. That concerned senior Authorities of the licensee to give suitable directions to all concerned so as to avoid monetary losses of the company including steps for recovery of un recovered amounts.
6. No order as to costs. That the compliance report to be submitted within period of Two months from this order.

Sd/-
Member/Secretary

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/ 147

Dt. 25.10.2016

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

The order passed on 25/ 10/2016 in the Complaint No. 20/2016, 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 Tukaram Maroti Patole, At. Po. Jambhora Tq. Sindkhed Raja Distt. Buldhana .