

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt. 21 /12 /2016

Complaint No.22/ 2016

In the matter of grievance pertaining to non issuing of electric connection, SOP
Compensation, etc.

Quorum

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

Shri Ravindra Mahadeo Nawakar :- Complainant
Consumer No. Ag-29330777786

.....Vrs.....

Executive Engineer MSEDCL, :- Respondent
Malkapur Division.

Appearances: -

Complainant Representative :- Shri. Pramod Khandagale

Respondent Representative :-
1. Shri S.P.Upadhya,
Dy.Law Officer.
2. Shri. A.G. Kathode
Dy. Executive Engineer

1. Being not satisfied with the order of IGRC Buldhana Dt. 15.10.2016 the complainant has approached this forum for redressal of the grievance. In brief the complainant's case is that, he has submitted application for Agricultural Pump connection and the then Assistant Engineer had orally informed about sanctioning of the connection. As per demand note Rs. 7750/- has been deposited on 14.05.2012, on same date the Test Report was also submitted. However till date the electric connection has not been provided, in spite repeated approaches. It is also alleged that the complainant has been informed that no records is available with the N.A. and hence the complainant to enquire

from the then Assistant Engineer, it is also alleged that the complainant was given understanding that if he makes complaint to the superior he won't get connection during life time hence, the complainant did not lodge any complaint in writing. It is alleged that on 21.09.2016 complainant approached to IGRC Buldhana and in spite giving ample evidence against N.A. the impugned order dt. 15.10.2016 came to passed. According to the complainant, the N.A. has contravened statutory provision as well as order of Hon. Supreme Court, hence claimed SOP compensation with the other relief.

2. It is further alleged as per information collected by the complainant representative, as well as information under RTI Act, that in the name of the complainant with con. No. 290028919741, the false document have been created, showing providing of electric connection under meter No. 9977601 on 18.02.2013 & till June-2016 an amount of Rs. 17410/- shown to be in arrears. Reference has been made to the agreement between Executive Engineer, Malkapur with M/s. Suyog Electricals Khamgaon, so also about completion of the work by giving work order no. with the averment that the said work has been completed by the said agency during the period 05.03.2014 to 31.03.2014, so also references of submission of bills to the S.E. Buldhana. It is alleged that on 15.10.2016 when the matter was for hearing before IGRC Buldhana without informed/intimating the complainant, Meter No. 49990572 has been handed over the old aged and illeterate mother of the complainant. According to the complainant, without actual providing electric connection to the complainant attempt has been made about creation and submission of false document for providing electric connection and thereby tried to mislead the government, hence it is necessary to take action against the erring person. Alongwith complaint copies of bunch of documents filed.

3. After receipt of the notice, the N.A. filed reply wherein it has been admitted about submission of application for electric connection on bore well in Agricultural field on 07.04.2012. It is stated that after receipt of demand note, the complainant made payment, so also submitted Test Report. As the complainant was in urgent need of electric connection, he has executed agreement for spending amount for erection of pole for

electric supply . However he did not incur expenses for erection for electric connection. It is stated that in the beginning of 2013, the consumers who were using electricity illegally, after making of security deposit payment, they have been given service wire electric connection, immediately and accordingly on 18.02.2013 service wire connection was given to the complainant. It is stated that as electric connection was provided to the applicant on 18.02.2013, therefore there was no reason to make any oral/written complaint. The complainant has made false allegation in view of death of the concerned Assistant Engineer hence the claim is incorrect.

4. The N.A. supported the order of IGRC stating that complaint is filed with ill motive, hence order of IGRC be confirmed and the complaint be dismissed. According to N.A. the complainant is trying to mislead the Hon. Forum, on 18.02.2013 the connection has been released by providing service wire. Reference has been made to instructions given to M/s. Suyog Electrical which has completed the work by erecting two pole and shifting of existing service wire on the pole. The completion of work certificate was given as mentioned in report dt.01.06.2014. The meter No. 9977601 was one and same for the said connection. According to the N.A. the compliance was made immediately and there is no contravention of any provisions. With regards the say of the complainant, is partly correct however it has been denied that meter No.4990572 was given to the mother of the complainant as alleged.

5. Reference has been made to connection for service wire, subsequently work was allotted to M/s. Suyog Electrical Khamgaon and complainant is service connection was shifted on pole. Report accordingly was submitted.

6. It is stated that on 15.09.2016, after the grievance raised by the complainant, spot inspection was carried out and it was revealed about digging of well near the existing bore well, the complainant has unauthorizedly shifted the connection from borewell to well. It is stated that it was found that by using hook there is use of electricity from both the lines.

7. It is stated that on making enquiry from the nearby Ag Pump list, it has been informed that after drying of the borewell the complainant dug the well and shifted the electric connection unauthorizedly. It has been informed by one of the villagers about breaking of the two pole electric connection by the complainant himself. The complaint is time barred. It should have been filed till 20.07.2014 but the application being time barred is liable to be dismissed and lastly submitted that the complaint being false and misleading, liable to dismissed. Alongwith reply certain document came to filed.

8. Heard Shri Pramod Khandagale, representative of the complainant & Shri. A.G. Kathode, Dy. Executive Engineer representative of N.A. At the time of argument both the parties filed documents. As per N.A. earlier the Ag pump consumers were using electricity illegally, therefore by providing them service wire the connection have been provided. Accordingly the complainant has been provided with the electric connection on 18.02.2013, hence there was no reason for making any grievance and the complainant has never lodged any complaint, orally or in writing, the complainant is making false allegation in view of death of the then Assistant Engineer. As far as objection of the N.A. that the complaint is time barred suffice to say that it has no force. The Mumbai Hon. High Court has laid down that even the cause of action commences from the order of IGRC, for making grievances to CGRF. The order of IGRC is dt. 15.10.2016 & the complaint is filed on 07.11.2016, hence it is in limitation.

9. As already referred to above, the complainant has deposited the amount of 7750/- on 14.05.2012 as per demand. The learned representative of the complainant has submitted that on the receipt given by the N.A. for the said amount, there is mention of consumer no as 293307777786 & tried to submit that in the bills as well as records of the N.A., the consumer no is different and that consumer no is shown as 290028919741. The learned representative of the N.A. has submitted that the no given on the receipt is dummy consumer no & after completion of the formalities of NSC the consumer no is reflected and that is the consumer no. of the particular person. This forum is convinced with the

submission made on behalf of the N.A. as there is nothing is rebuttal there to from the side of the complainant and it is clear that 293330777786 is not consumer no but dummy no which get changed there after.

10. The defense of the N.A. is that on 18.02.2013 the electric connection has been provided by completing all the formalities through the contractor whom the work was allotted. In the IGRC order the claim of the complainant has been rejected on the ground that as per payment made under receipt no. 3871260 dt. 14.05.2012, one electric connection has been provided hence on the same receipt no other connection can not be given. As already observed above the complainant's case is that no connection has been provided, whereas according to N.A. after providing of electric connection to the complainant it is live & bills are being issued for the said connection. In view of such serious controversy one has to go dipper so as to ascertain the factual position.

11. On going through the record minutely, it is clear that as per N.A. the electric connection has been provided to the complainant through the contractor as per reply of the N.A., The Contractor M/S. Suyog Electricals has carried out the said work. In the reply before IGRC, it has been case of the N.A. that there was agreement between The S.E. Buldhana & M/S. Suyog Engineers ,Waman Nagar Khamgaon, The E.E. Malkapur has given work order dt. 04.03.2014 alongwith the list of the paid pending consumers and in the said list the complainant's name as Sr.No. 33 and the said M/S. Suyog Engineers has completed the work of installation of electric line during the period 05.03.2014 to 31.07.2014 & submitted bills before S.E. Buldhana on 01.08.2014. In the said report complainant's name is at Sr.No. 33 with meter no. 9977601, so as per said reply as well as defense in the present proceedings, the work order has been given to Suyog Electricals and said Suyog Electricals has given work completion report on 01.08.2014, showing meter no. 9977601. As per N.A. the connection was given through service wire. Admittedly the estimate was prepared for 2 pole i.e. 120 meters, the learned representatives of the N.A. could not justify or put any supporting materials with reference to its stand that for such difference of 120 mtrs connection can given through service wire. It has been admitted that there are

direction/circular of the company, but there is no document/circular brought on record to show that for such distance of 120 mtr or more connection through service wire can be provided. As per reply of the N.A. said M/S. Suyog Engineers has given bill of the S.E. Buldhana on 01.08.2014 with work completion report showing name of the complainant at sr.no. 33, hence complainant's claim about non getting of electrical connection is not correct. As already observed above, according to N.A. the complainant has been provided with electric connection on 18.02.2013, however there is no cogent evidence brought on record to establish the same. As per N.A. non making of any grievance in writing for sufficient long period about non getting of electric connection clearly show that, the complainant's claim is not correct. In the complaint itself the complainant has averred that he was threatened that he will not get electric connection during his life time if he makes complaint to the superior officer, hence he has not lodged written complaint. There is nothing from the side of the N.A. to rebut the same.

12. On going through the Original Bound Register of NSC completion of Ag pump, brought before this forum, on demand, it is clear that in the said NSC report of the complainant the meter no. is shown/ mentioned as 9977601 whereas in the gate pass issued to M/S. Suyog Engineers Khamgaon dt.02.06.2014 there is no mention of this meter no. 9977601. As per the said gate pass, in all 38 mtrs were given to the said M/S. Suyog Engineers Khamgaon for new Ag pump connection. During course of argument it has been admitted that records are being maintained by the concerned officer of the N.A. about issuing of meters to the contractor for installation and after installation of meters. The concerned contractor has been given intimation in writing about installation of all the meters handed over to it, with all documents. When as per the gate pass dt.02.06.2014 meter no. 9977601 was not given to the said contractor then how the defense of the N.A. that said contractor has installed meter no. 9977601 at the place of the complainant can be acceptable. Here its needs to be mentioned that during the visit of the inspection, the N.A. could not find any such meter at the said place. As per N.A. the said meter is still alive and bills are being issued for said meter no. 9977601. The copy of the bill dt.28.10.2016 for the said meter is filed on record for Rs.18060/- so also the history of the said meter from

website of the licensee is produced on record, which clearly shows about issuing of regular bills of the said meter with consumed units, status as live. From the said history it is also clear that there is no payment of any of the bills and the bills are prepared with the accumulated arrears all the while, when query was made as to what steps have been taken for non payment of any amount, though the electric bills are regularly issued with accumulated arrears, the answer was no steps have been taken. So it is clear that in spite lapse of more 3 & 1½ years of alleged connection, nothing has been done to ensure the payment of electric bills. Neither notice has been issued nor any steps have been taken for the huge arrears shown outstanding in the bills in spite non making of even single payment, at any point of time. The Learned representative of complainant has referred to the list of Ag consumers given to him of the Jalgaon Jamod S/Dn under write to information act.

13. From the documents filed by the N.A. on record it is clear that there is one gate pass No. 10613 issued to D.K. Electricals Motala giving details of 100 Mtrs to said D.K. Electricals & during course of submission it has been submitted that it is other contractor working with the N.A. In the said list of 100 mtrs there is mention of meter no. 9077601 & the entire series of the meters issued under the said gate pass is with the same nos at the beginning i.e.9077. The N.A. could not justify this document with the matter in hand. As already observed above, neither in the visit/inspection, nor in the photograph, C.D. filed by the N.A. there is any thing to point out that said Meter No 9977601 as mentioned in the NSC report, is installed at the place of the complainant. The N.A. has failed to establish about installation of said meter at that place.

14. That in the complaint in Para no. F on page no. 3 the complainant has categorically averred that he has gone before IGRC on 15.10.2016 for hearing and in his absence some of the unknown employee of the N.A. has given meter no. 49990572 to his old aged illeterate mother. He has brought the said meter no. 49990572 during the course of hearing in the forum. The said meter has been seen by all present at the time of arguments including the representatives of the N.A. The said meter is kept with the forum till decision of the matter. It has been revealed that the said meter no. 49990572 is new

meter in the box with plastic cover. Even on the box in front of sr.no. there is 49990572 & the other details such as 3 ph.4 wire, A.C.Static watt hour meter, manufactured by LANDIS + GYR LTD INDIA. Upon seeing the said meter all these details including meter no. are mentioned there on and all the seals are intact, it is brand new meter and still unused. That on going through the record more particularly the gate pass dt. 02.06.2014 of Suyog Engineers Khamgaon, it is clear that the said sr.no. 49990572 is included in the said list. So apparently as per N.A. the said meter was issued for installation. As for new Ag.pump connection. It is apparently clear that the said meter is not installed as already observed above, it is bounded duty of the contractor as well as the concerned office of the N.A. to check & verify about installation of the meter issued to the contractor and if not then it has to be returned to the concerned office of the N.A. It has been admitted during course of the argument that it is necessary and mandatory to record correct & proper accounting of all the meters in the records. The requisite documents/register are required to be maintained. However the fact remains that the meter no. 49990572 is neither been installed at any place nor accounting thereof has been made by the concerned office staff/officer of the N.A. As per the said gate pass dt.02.06.2014 the said meter was given for installation and in spite lapse of about 2 & ½ yrs nothing has been done to ascertain as to whether it has been installed or not if not then the reason therefor and allowing custody thereof for such long period with others is serious matter. The meter is valuable property of the company. Looking to the facts and circumstances, specially the averments made by the complainant in that regard in the complaint, there is erasive reply from the side of N.A. During course of arguments when query was made as to whether any enquiry was made in respect of the averments made by the complainant in the complaint, there was no reply by the concerned officer/staff of the N.A.. That looking to the seriousness of the matter this forum expects that proper enquiry is made by the complainant superior office of the N.A, so as to avoid any such incidences in future.

15. As already observed above, even as per N.A. meter no. 9977601 is alive & bills are being issued showing consumption of the electricity but the licensee company is not getting any payment against the bills and the arrears are being accumulated. So it is also

necessary and expected about investigation/enquiry of the place and user of the said meter and to take appropriate steps against the wrong doers causing financial losses to the licensee company, in view of the facts circumstances emerging on record. The order of IGRC can not be said to be just & proper. Merely on the say of the N.A. it has arrived at the conclusion of providing of Ag. pump connection & therefore the observation that no second connection on the same receipt can be issued, appears to be incorrect. The complainant is entitled for appropriate reliefs of getting electric connection as per estimate sanctioned by installing the requisite poles. Though the complainant has claimed SOP compensation as per regulations however looking to the facts and circumstances this forum thinks it proper to award reasonable amount is 10,000/- which will meet the ends of the justice. The claim of the complainant for awarding fine @ 1000/- per day as per regulation 43(3) can not be said to be just & proper. In any case it is not within the scope of the proceeding In view of the facts ,observations & findings, this forum thinks that the impugned bills of 17410/- in the name of the complainant for the said meter no. 9977601 and further bills in continuation there to in the name of the complainant, needs to be cancelled. The complainant is entitled for electric connection as per estimate as observed above with other replies as observed above. With such observations this forum proceeds to pass following unanimous order

ORDER

1. That the Complaint No.22/2016 is hereby partly allowed.
2. The N.A. is directed to provide electric connection to the complainant as per the amount paid by him in view of sanctioned estimate as early as possible. In any case within period of 1 month from the order.
3. That the impugned alleged bills of 17410/- & subsequent there to in the name of complainant needs to be cancelled.
4. That the complainant is entitled for Rs.10,000/- towards compensation in due to delay in providing Ag connection as per sanctioned estimate. Rest of the claim of the complainant is hereby rejected.

5. The licensee/company office to take appropriate steps for making enquiry/ investigation about meter No. 9977601 which is live and bills are being issued in view of consumption of electricity thereon with accumulated arrears without receiving of any payment, so also about non installation of meter no 49990572 & to take appropriate steps/action against the erring staff/person.
6. That the compliance report to be submitted within period of one month from this order.

s/d
Member/Secretary

s/d
Member (CPO)

s/d
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/ 157

Dt. 21/12/2016

TO

The Nodal Officer,
Executive Engineer
MSEDCL,Malkapur Division.

The order passed on 21/12/2016 in the Complaint No. 22/2016, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:-

1. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana.
2. Shri Ravindra Mahadeo Nawakar ,
At.Po. Pimpalgaon Kale ,Tq. Jalgaon Jamod,Distt.Buldhana.