

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AKOLA.**

*“ Vidyut Bhavan ”
Ratanlal Plots,
Akola : 444001
Tel No.2434476*

Dt.08/07/2014

Complaint No.76 to 86 & 88 to 92 / 2014

In the matter of grievance of not providing electric connection, compensation etc.

Quorum :

Shri T.M.Mantri, Chairman
Shri P.B.Pawar, Secretary
Shri A.S.Gade, Member

Shri Rahul Vitthalrao Raut, Tq. Murtizapur.	Complaint No. 76/2014
Vishnu Manikrao Kukade, At Ranegaon,	Complaint No. 77/2014
Gyaneshwar M. Sabde, At-Kanshivani,	Complaint No. 78/2014
Padamabai Prakash Harne,Rasulpur, Tq. Murtizapur	Complaint No. 79/2014
Ashok Gulabrao Ingale, At- Rasulpur, Tq. Mutizapur	Complaint No. 80/2014
Kailash Prallhadrao Sabde, At- Rasulpur, Tq.Murtizapur.	Complaint No. 81/2014
Prakash Ramrao Ingale, At- Rasulpur, Tq.Murtizapur.	Complaint No. 82/2014
Balkrushna Uttamrao Ingale, Tq Balapur, Dist Akola	Complaint No. 83/2014
Manik Ramrao Ingale,Rasulpur, , Tq.Murtizapur	Complaint No. 84/2014
Purushottam Wamanrao Ghogre, Tq Murtizapur,	Complaint No. 85/2014
Janrao Baliram Kalaskar, At-Borgaonkhurda, Dist Akola.	Complaint No. 86/2014
Narayan Mahadev Katyarmal, , Tq. Akot, Dist Akola.	Complaint No. 88/2014
Shri Kishor Shankarrao Bonde, Tq. Murtizapur	Complaint No. 89/2014
Ghanshyamdas Shriram Bhattad, Tq Telhara, Dist Akola.	Complaint No. 90/2014
Vishvanath Jayram Dhute, At Post-Warud Jawada, Tq, Akot	Complaint No. 91/2014
Ganesh Balkrushna Kale, Tamsi, Tq Balapur Dist Akola.	Complaint No. 92/2014

.....Vrs.....

The Executive Engineer (R.) Dn. Akola

..... Respondent

Appearances :

Complainant Representative : Shri D.M.Deshpande,

Respondent Representative : Shri Fulzele, Asstt.Engineer & Shri Bahurkar, JE

1. In this group of complaints, complainants are making grievance which is of identical nature. Similarly, the reply filed from the side of N.A. is also Common/identical. Considering the submissions made on behalf of both the parties, the matters are being taken together for hearing, decision and are being decided by this common order. In substance, the complainants' case is that inspite of submitting applications, making compliances, the N.A. has failed to take further steps in providing electric connection and there is a contravention of MERC (Standards of Performance of Distribution of Licensee, Period of Supply and Determination of compensation) Regulation, 2005. Grievance is also made about recovery of excess charges. According to the complainants, inspite of making attempts on behalf of the complainants, nothing has been done from the side of the N.A. Hence compelled to approach the Forum, seeking reliefs as prayed for. In order to have clear picture of each of the complainants, details of each case, in tabular form are given as under:

TABLE

Sr. No.	Case No. and Name Of Complainant	Date of application Load in HP	F/Q Issue Date	Date of Payment	S.C.C.	S.D
1	76/2014 Shri Rahul Vitthalrao Raut, Shelu Bazar, Tq. Murtizapur. Dit Akola	Dt.01.08.11 3 Hp	14.03.12	14.03.12	2500	3000
2	79/2014 Padamabai Prakash Harne,Rasulpur, Tq. Murtizapur Dist Akola	Dt. 20.04.13 3 Hp	26.08.13	26.08.13	3500	3000
3	80/2014 Ashok Gulabrao Ingale, At- Rasulpur, Tq. Mutizapur, Dist Akola.	Dt.04.04.13 5 Hp	12.12.13	12.12.13	3500	5000
4	81/2014 Kailash Prallhadrao Sabde, At- Rasulpur, Post Lakpati, Tq.Murtizapur, Dist Akola	Dt.20.04.13 3 Hp	10.08.13	10.08.13	3500	3000
5	82/2014 Prakash Ramrao Ingale, At- Rasulpur, Post Lakpati, Tq.Murtizapur, Dist Akola	Dt.15.04.13 5 Hp	02.06.13	19.08.13	3500	5000
6	84/2014 Manik Ramrao Ingale,Rasulpur, Post Lakpati, Tq.Murtizapur, Dist Akola	Dt.20.04.13 5 Hp	02.06.13	19.08.13	3500	5000
7	77/2014 Vishnu Manikrao Kukade, At Ranegaon, Post Warud, Tq. Telhara, Dist Akola	Dt.17.01.12 7.5 Hp	31.03.12	31.03.12	2500	9000
8	78/2014 Gyaneshwar M. Sabde, At-Kanshivani, Tq. Dist. Akola	09.09.11 5 Hp	30.03.13	31.03.13	3500	5000

Sr. No.	Case No. and Name Of Complainant	Date of application Load in HP	F/Q Issue Date	Date of Payment	S.C.C.	S.D
1	83/2014 Balkrushna Uttamrao Tayade, Post Motwa, Tq Balapur, Dist Akola.	Dt: 24.11.11 7.5 Hp	14.02.12	28.02.14	3500	7500

2	91/2014 Vishvanath Jayram Dhute, At Post-Warud Jawada, Tq, Akot Dist Akola.	Dt: 21.02.11 5Hp	17.11.12	19.11.12	2500	5000
3	92/2014 Ganesh Balkrushna Kale, Tamsi, Post Botwad, Tq Balapur Dist Akola.	Dt: 23.01.13 5Hp	No details given by the complainant but N.A. admitted Receipt of on 24/02/14 of Rs. 5000/- as S.D.			5000/-

Sr. No.	Case No. and Name Of Complainant	Date of application Load in HP	F/Q Issue Date	Date of Payment	S.C.C.	S.D
1	85/2014 Purushottam Wamanrao Ghogre, At Khaparwada, Post Durgwada, Tq Murtizapur, Dist Akola.	Dt Not given 3Hp	Not given	30.03.12	2500	3000
2	89/2014 Shri Kishor Shankarrao Bonde, At-Shelu Bonde, Mangrul Kambe, Tq. Murtizapur, Dist. Akola.	Dt.13.03.12 5Hp	26.03.12	30.03.12	2500	5000
3	90/2014 Ghanshyamdas Shriram Bhattad, At Post.- Sondada Tq Telhara, Dist Akola.	Dt.18.01.13 7.5Hp	14.03.12	30.03.13	3500	4000
4	86/2014 Janrao Baliram Kalaskar, At-Borgaonkhurda, Tq. Dist Akola.	Dt Not given 3Hp	Not given	04.01.11	2500	3000
5	88/2014 Narayan Mahadev Katyarmal, At Post -Mhaisang, Tq. Akoat, Dist Akola.	Dt 08.05.12 3Hp	03.08.12	03.08.12	2500	3000

2. After issuing of notice as per the Regulation, replies came to be filed, belatedly. Three Common replies have been filed giving details in tabular form of each of the complainant in 3 groups mentioned above. It is stated that Hon. Electricity Ombudsman, has passed order in respect of Agricultural Pump connection and the said Order in Representation No.43/2011 has been annexed, wherein by

making reference Hon. Electricity Ombudsman, has expressed that it is beyond purview of the Forum or Electricity Ombudsman to give any direction in respect of release of agricultural pump connection, out of chronology. Further it is stated that there is no electric supply, hence the demands for compensation are pre-mature in nature. Further, it is stated that under Regulation 2006, there is a reference of IGRC and if without approaching to IGRC with grievance in that case, the complaint is not tenable. Reference has been made to such disposal of complaint by CGRF Kalyan. So also reference has been made to the instructions issued by the Director (Projects), MSEDCL. Mumbai, about releasing of agricultural pump connection as per chronology as per paid pendency consumer. Similarly, reference has been made to order of CGRF, Nashik, rejecting the same type of proceeding filed by the complainants therein. So also reference has been made to Order passed by the CGRF Akola.

3. It is stated that the Service Connection charges and Security Deposit are charged as approved by MERC in case No.90/2012, so also Company Circular dated 30.8.2012. Though in the complaint, N.A. have mentioned in reply that the excess amount than Rs.500/- per HP will be adjusted after making connection in recent future. According to the N.A. paid pendency chronology list of agricultural pump connection is large in number, the work involved of these concerned cases is of huge nature requiring separate funding and directives of the State Government. The paid pendency chronology list of agriculture pump is also large in number, so the delay has taken place. In some cases, it was found that even electrical installation is not ready and there is nothing on spot, thereby the complainants claim is untenable. Lastly pressed for dismissal of complaint.

4. Heard Shri D.M.Deshpande, the Learned Representative for the complainants and Shri Fulzele, Assistant Engineer with Mr. Bahurkar, Jr.Engginer, Learned Representatives for N.A. On going through the submissions made on behalf of the parties, relevant provisions under relevant Rules and Regulation with Section-52 of Electricity Act, there is no reference of IGRC. Even from the wording of Regulation 6.2 (MERC) Regulation, 2006, it is clear that approach to IGRC is not mandatory and on plain reading of Regulation, it is clear that the consumer “may intimate” IGRC. On the contrary, the said Regulation, further clarifies, intimation given to the Officer of the Licensee, Other than IGRC shall be deemed to be intimation under this Regulation. The wording of the Regulation further clear that there is obligation on the Officers of the Licensee to direct the consumer to IGRC. Similarly, because some of the complainants in complaint No.83, 91 and 92 have not approached to IGRC, as submitted on behalf of N.A., it is not a deformity of serious nature, the complaint cannot be said to be not tenable. Here, it is pertinent to note that the complainants submission about taking of no, decision by IGRC in the grievance of complainant in complaint No. 84 , 85 inspite of lapse of more time, has not been disputed from N.A.’s side. Moreover the Electricity Ombudsman in Representation No.44/2012 has given verdict in these respect on the point, which is binding on the N.A. In view thereof, there is no substance in the objection raised on behalf of the N.A. about the tenability of this complaints for want of approach to IGRC. In any case, on such technical ground, the complaint cannot be dismissed as submitted on behalf of the N.A.

5. On going through the record and submissions of parties including the documents, it is clear that Security Deposit at the rate of Rs.1000/- per HP has been recovered from the all most all the complainants and even more for Example : In

Case No.77/2014 (Vishnu Manikrao Kukade) Rs.9000/- has been recovered on 31.3.2012 for 7.5 HP load. The Learned Representatives of the N.A. have admitted that the Security Deposit at the rate of Rs.500/- ought to have been charged and the excess amount recovered, if any, from the complaints will be refunded by way of adjustment in electricity bills. Though on behalf of N.A. attempt has been made to submit that in some cases applications were not ready. However, considering the Regulation and compliances made by the complainants as required, there is not substance in the submissions made on behalf of the N.A. As per the submissions made F-1 Register and Auxiliary Registers have been called for. However, on going through the Registers and documents, it is clear that they are not at all filled in and most of the columns are blank. It is not possible therefrom to arrive at conclusion as to which of the consumers have been provided with Electric Connection and on what date, as those Registers are not properly maintained. This Forum is unable to arrive at a definite conclusion. As far as the paid pendency list, even according to the N.A., it is as per the payment made hence the same is not helpful because where there was delay in issuing firm quotation from the side of N.A., naturally those applicants / consumers will be put to sufferance because of delay / lethargy/negligence on the part of the concerned staff of the concerned office of the N.A. Reference and reliance on the paid pendency list, therefore, cannot be said to of much help to the N.A. As per the Regulation, requirement is otherwise and that is required to be followed. Similarly reliance of the N.A. on circular no. 3090 dt 30Jan 14 by Director (Projects) Mumbai is also not of much help. Even it is mentioned at the end of para 1 thereof ---

“It is also seen that the order for turnkey contract is issued for clearing Ag paid pending connections, however majority of the Ag pump connections are released

from the newly paid consumer instead of from the list of old paid pending consumers.”

5. As is clear from the Record, that the complainants have also sought reliefs for providing electric connections. In the reply of N.A. here is a reference to the judgment of Hon. Electricity Ombudsman in Representation No.43/2011. Reference has been made to Para-6 thereof and it has been submitted on behalf of N.A. in view thereof, no such direction can be given for giving electric supply. No doubt, reference has also been made to the Orders of CGRF in that respect. The Learned Representative of the complainants has referred to order of MERC in case No.43/2005, in support of claim about entitlement of that relief. On going through the order of Hon. Electricity Ombudsman, referred to above in Case No.43/2011, it is clear that it is directly on the point involved, so also later in time. The order in Representation NO.43/2011 deals with the similar controversy and it will be applicable. According to the Learned Representative of the complainant, Government has no role in respect of electric connection. At this stage in view of the order in Rep.No.43/2011, it will not be proper to grant relief as prayed on behalf of the complainant. The N.A. is being the Public Undertaking, reasonable approach is required to be kept, So also it has to make sincere efforts about making of compliances under the Regulation and for resolving the grievances /complaints of the consumers like complainants. The Learned Representatives of the N.A. have submitted that Electric connection will be provided to the complainants as per their seniority number. So considering the available material on record, this Forum proceeds to pass the following unanimous order:

ORDER

1. The complaints NO.76 to 86 and 88 to 92, are hereby partly allowed, giving direction to the N.A. to refund the excess amount of Security Deposit to other complainants except complainant in compliant No.90 (G.S.Bhattad). Though the prayer for directing to provide electric connection cannot be granted in view of the order of Hon. Electricity Ombudsman, in Representation No.43/2011, but observations are required to be made that N. A. to consider the cases of the complainants for providing electric connection appropriately as soon as possible.

2. That the concerned Officers of the N.A. at Divisional Level are directed to give strict directions to the concerned Officers/staff so as to maintain F-1 and Auxiliary Registers in proper manner duly filled in all the details in time and to have intermittent checking of these Registers enabling to take appropriate action against the erring staff/officer.

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

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman

No.CGRF / AMZ/ 518

Dt. 14 /07/2014

To
The Nodal Officer / Executive Engineer,
MSEDCL,
Rural Division,
Akola
For information & necessary action.

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

Copy to:
Handover to Authorised Consumer Representative Mr. D.M.Deshpande.
Copy s.w.r.to:-
The Superintending Engineer, O & M Circle Office Akola.