

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

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

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Dt.18/06/2014

**Complaint NO.93 / 2014**

In the matter of grievance of not providing electric connection alongwith the claim  
for losses suffered. etc.

Quorum :

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

Pandurang Laxmanrao Jaybhaye , Mangrulpir, Washim. .... Complainant

...VRS....

The Executive Engineer Rural Dn. Akola .... Respondent

**Appearances :**

Complainant Representative : Shri Pandurang Laxaman Jayebhaye

Respondent Representative : Shri M.A.Khandare, Assist Engineer, Barshitakli.

1. The complainant has approached this forum alleging that inspite of giving application for new connection in the name of his wife Lata Pandurang Jayebhaye on 4.6.2012, the connection has not been provided. Quotation was given late i.e. on 10.1.2014 and accordingly the amount was deposited and inspite of lapse of time connection is not provided. Then averment has been made that because of delay on

the part of N.A. and obstructions made by other agriculturist, no connection has been provided, whereby the complainant has suffered losses of Rs.5,00,000/- towards agricultural income which needs to be recovered from the officers of N.A. and be paid to the complainant, apart from providing connection. The complainant has annexed copies of documents including that of the order of IGRC Akola bearing date 9.4.2014. So also the copies of correspondence made with the Authorities time and again including the letter dated 11.3.2014, 17.2.2014, 15.1.2014, etc.

2. As per the Regulation notice was sent to the N.A. for submitting parawise comments to the complaint. The reply came to be filed belatedly, stating that the application in the name of Sau Lata P.Jaybhaye for new connection submitted on 25.5.2012, immediately after making survey, estimate was prepared and the same was sent to the address of the complainant by post on 25.1.2013. However, the complainant did not receive the same, on 8.2.2013, it was again sent to the residence of the consumer with Janmitra but he was informed that the said Demand Note would be collected from the office itself.

3. It is further stated that after pointing out the place for connection by the consumer, immediately quotation was issued but as the consumer did not accept the same, there was delay hence the N.A. is not responsible. Immediately after remittance of the amount by the consumer on 10.1.2014, test report was submitted and N.A. sent employees on 12.1.2014 with material for connection, one Shri Gajanan M Jaybhaye made obstruction. Again on 18.2.2014 when employees went to spot for providing connection, the said Shri Gajanan Jaybhaye has created obstructions in the Government work. Thereafter Jr.Engineer, Pinjar had lodged complaint with the Police Station Mangrulpir on 18.2.2014. It is further stated that

the Surpanch, Gram Panchayat, Nandgaon has raised objection on the spot of providing electric connection to the consumer. So also the consumer has not made arrangements for providing electric connection on the spot and it was revealed during the inspection through the Assistant Engineer, Barshitakli. So by letter dated 3.5.2014 cancelled the test report. Then reference has been made to Regulation 2005, as the consumer did not fulfill the necessary requirement for having electric connection on the required spot, it is not possible to provide Electric Connection in such circumstances. The N.A. is not liable for this deficiency. In spite thereof the N.A. has taken all the steps. The officers of the N.A. have visited the spot on different dates and given information. Even from the letter of the complainant dated 14.1.2014, 12.2.2014, it is clear that obstructions were created in providing Electric Connection, the Complainant could not remove those obstructions.

4. The complainant's claim for losses of Rs.5,00,000/- is untenable . Reference has been made to the order passed by the CGRF Nashik and such claim therefore is not tenable, the complainant's claim on that count needs to be rejected. It is, further, stated that upon removal of the obstructions by the consumer and after making arrangement for installation of new connection and submitting the Test Report of the approved Electrical contractor, the N.A. will make all attempts to provide electric connection to the consumer. Consequently, the complaint needs to be rejected.

5. Heard Shri Pandurang Laxman Jaybhaye, on behalf of the complainant and Shri M.A. Khandare, Assistant Engineer, Learned Representative for the N.A. The present complaint has been filed in the name of Shri Pandurang Laxman Jaybhaye and the said person has signed A-1 form. From the documents file on record as well as the

submissions made, it is clear that new electric connection was sought in the name of wife i.e. Sau Lata Pandurang Jaybhaye. From the reply of N.A. it is clear that the application for econnection was in the name of Sau.Lata P.Jaybhaye. Even the quotation in question was given in the name of Sau. Lata Pandurang Jayebhaye,Nanadkhed. The complainant, husband of said Lata was making all the steps, discussion with the N.A. The N.A. never raised objection even for filing proceedings in the name of complainant before IGRC as well as this Forum, which means that the N.A. has Admitted that the complaint as filed is tenable. From the reply of the N.A. it is also clear that after inspection, the estimate was prepared and on 23.1.2013 Assistant Engineer, Barshitakli has approved the said estimate. According to the N.A. as mentioned in reply ,on 25.1.2013, the said Demand Note was sent at the address of the consumer but the consumer did not accept the same. On behalf of N.A. a Xerox of relevant entries of outward register is filed on record. It has been also averred in reply that on 8.2.2013, the said estimate was sent to the residence of the consumer with Janmitra but the consumer did not accept the same on the ground that it would be collected from the Office. As per the record, it is clear that on 10.1.2014, the amount of estimate was remitted and when N.A. sent its employees for connection, the concerned Agriculturist Shri Gajanan Jaybhaye has raised objection on two occasions. The concerned officer of the N.A. has lodged complaint with the Police Station Mangrulpir in that respect. According to the complainant, the concerned agriculturist Shri Gajanan M.Jaybhaye has no right and could not have made obstruction in providing connection but inspite thereof, no concrete steps have been taken by the N.A. resulting in further delay in providing connection & till the same is not provided. The Learned Representative of N.A. has submitted that even Gram Panchayat, Nandkhed has raised objection in writing for

erecting electrical pole and for not providing electric connection in the catchment area of the dam, apprehending that it will be dangerous and may cause losses of life

6. The Learned Representative of the N.A. has submitted that the N.A. is ready to provide connection to the complainant at the place which is at higher site, much above the area where water stagnates after filling of the dam, in rainy season, so as to avoid apprehension and danger to life. According to the complainant, the stand taken by the N.A. is by way of after thought and earlier it was ready to provide connection on the spot but in view objections raised by the agriculturist Shri Gajanan Jaybhaye, now they are pressing for other spot for connection. During the course of submission, the map of the spot was filed on record which duly signed by both the Learned Representatives of the parties. The perusal thereof clearly shows that there is a some substance in the apprehension made on behalf of the N.A., so also the written objection raised by Gram Panchayat, Nandkheda. No doubt the Learned Representative of the complainant has tried to submit that the N.A. is acting on the say of other i.e. Gajanan Jaybhaye. However, it has to be noted that even Gram Panchayat, Nandkheda has raised objection when query was made with the representative of the complainant as to why adamancy is being shown for having connection from a particular spot, when the N.A. is ready to provide electric connection at higher and safer place, considering the situation of the spot, answer of the representative of the complainant is that N.A. was earlier ready to provide connection at the same spot but as the objection was raised by Shri Gajanan Jayabhaye, now changing its stand. No doubt the record clearly shows from the side of the N.A. that attempt was made to provide connection but in view of raising of objection, connection could not be provided. However, Lateron even

Grampanchayat has lodged complaint in writing for not providing connection, which may be dangerous. The Learned Representative has submitted that there was death of animal because of electrification in water in nearby area of the spot so it is ready to provide connection from the existing transformer itself to the complainant or at higher and safer place. According to the complainant for that he will be required to incur additional expenses of more cable. This Forum upon considering the rival submissions as made as well as the fact of delay in carrying out inspection and providing estimate to the consumer, passing order which will meet the ends of justice.

7. Though the complainant has also claimed losses of Rs. 5.00 lakhs for not providing Electric connection for sufficient long time, however, during the course of submissions Learned Representative has submitted that the consumer is not interested in the money, & is only interested in early connection. The Learned Representative of the N.A. has submitted that steps were taken to provide electric connection, however, because of contingency and objections referred to above, still the same is pending and immediate steps will be taken from the side of the N.A. After considering the available material on record and rival submissions, this Forum is of the considered view that the N.A. committed delay in inspection and giving quotation. As per the provisions under the MERC (Standards of Performance of Distribution Licensee, Period for giving Supply, Determination of Compensation) Regulation, 2005, Appendix-A the level of compensation payable to the consumer for failure to meet the standards of performance fixed by the Commission are provided as per Clause-1 (i) (ii), period of 30 days is provided for inspection and intimation of charges in Rural areas. So if that period is taken into consideration,

specially for preparation and sending of estimate on 25.1.2013 by the N.A. it is clear that there is delay of about six and half months i.e. 26 weeks and as per the above referred provision, compensation payable is at the rate of Rs.100/- per week, so the N.A. is liable to pay Rs.2600/- for delay in preparation and sending of estimate as per the above referred provision under the Regulation. No doubt the complainant has tried to submit that the consumer never refused to receive the estimate. However, the documents provided from the side of the N.A. i.e. entry in outward register makes it clear that it was sent.

8. As already observed above even when the Grampanchayat has raised objection, it will not be just and proper to have insistence of providing electric connection from the spot suggested by the complainant. The N.A. to provide electric connection to the complainant at higher and safer place so as to avoid endanger to life, so also to have peace amongst the neighbors and villagers. With such observations, the Forum proceeds to pass the following unanimous order:

### **ORDER**

1. The complaint No.93 /2014 is hereby partly allowed. The N.A. to pay compensation of Rs.2600/- for causing delay in preparation and sending estimate to the consumer as per the Provisions of MERC( Standards of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulation, 2005 and this amount be recovered from the concerned staff/officer who is responsible for such

delay as per the direction of Hon. Supreme Court in the matter of M.K.Gupta versus Lukhnow Development Authority, 1994 (i) SCC Page-294.

2. The N.A. to provide Electric connection to the cosumer at the earliest from the higher and safer spot, suggested by the it, outside the catchment area of the dam water.
3. In the circumstances, the parties to bear their own costs.
4. That the compliance report to 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

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No.CGRF / AMZ/

Dt. /06/2014

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:

Padurang Laxmanrao Jaybhaye, At- Nandkheda, Post Titwa, Tq Mangrulpir, Washim

Copy s.w.r.to:-

The Superintending Engineer, O & M Circle Office Akola.