

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

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

Dt.09/07/2014

Complaint No.94 to 97 / 2014

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

Quorum :

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

1. Shri. Prakash Madhukarrao Bandre – Complaint No.94/2014
2. Shri Shamrao Motiram Mamankar – Complaint No.95/2014
3. Shri Santosh Ramkrushna Tidke – Complaint No.96/2014
4. Shri Madhukisan Radhakisan Sharma – Complaint No.97/2014

...vrs....

The Executive Engineer Dn. Achalpur Respondent

Appearances :

Complainant Representative : Shri D.M.Deshpande,

Respondent Representative : Shri M.P.Chandure, Asstt. Engineer

1. These are the similar type of matters wherein the same and identical type of grievance has been raised by the complainants. The controversy being identical, so also a common reply has been filed on behalf of the N.A. Therefore as per the submissions made on behalf of the parties, matters are

being taken together for hearing and decision and are being decided by this common order. In nutshell, the complainants' case is that inspite of submitting application for agricultural pump connection as well as making all compliances, N.A. has failed to provide electric connection as provided under the Regulation, therefore there is contravention of MERC (Standards of Performance, Distribution Licensee, Period of Supply, Determination of Compensation) Regulation, 2005. Similarly, the grievance has been made about recovery of excess charges towards Security Deposit. There is also delay in issuing of Demand Notes, hence compensation has been claimed. In order to have clear picture of each case of the complaints, details are given as under:

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	94/2014 Prakash Madhukarrao Bandre, At. Post Yevada, Tq. Daryapur, Dist. Amravati.	Dt.27.11.12 5Hp	11.03.13	11.03.13	3500	5000
2	95/2014 Shyamrao Motiram Mamankar, At. Post Yevada, Tq. Daryapur, Dist. Amravati.	Dt.15.03.12 5Hp	21.08.12	21.08.12	2500	5000
3	96/2014 Santosh Ramkrushna Tidke, At. Post Yevada, Tq. Daryapur, Dist. Amravati.	Dt.29.11.12 5Hp	11.01.13	14.01.13	3500	5000
4	97/2014 Madhusudan Radhakisan Sharma, At. Post Yevada, Tq. Daryapur, Dist. Amravati.	Dt.08.04.13 5Hp	21.10.13	06.12.13	3500	5000

Alongwith the complaints some documents came to be filed.

2. After receipt of notice as per the Regulation, reply came to be filed from the side of N.A., belatedly, by way of common reply opposing the claim.

Reference has been made to the order of Hon. Electricity Ombudsman, Mumbai in Representation NO.43/20111. So also reference has been made to the instructions issued by the Director (Projects), MSEDCL, Mumbai. Similarly, reference has been made to the order passed by the CGRF Nashik and Akola and prays for dismissal of the complaint. Further, it is stated that the work involved in the matter is huge in nature requiring separate funding & directives of State Government. The paid pendency chronological list of pump connections is huge, hence there is a delay in preparation of the estimates, only after showing of the spot for power supply by the complainants, but there is no delay on the part of N.A. Lastly submission has been made for dismissal of the complaints.

3. Heard Shri D.M.Deshpande, Learned Representative for the complainants and Shri Chandure, Assistant Engineer, Learned Representative for the N.A. at length. After considering the rival submissions, so also on going through the entire record, coupled with the provisions of relevant Rules and Regulation, it is clear that the date of receipt of applications as mentioned in reply of N.A. in respect of Complaint No.95 (Shamrao Mamanwar), the date of receipt of application has been mentioned as 2.8.2012, which is contrary to the complainant's case who has alleged in the complaint about the submission of application on 15-3-2012. From the record, it is clear that there is a acknowledgement issued by the concerned office of the N.A. after receipt of application and the said acknowledgement bears the date as 15.3.2012. So it is clear that the said application by the said complainant was filed on 15.3.2012 and not on 2.8.2012 as mentioned by the N.A. in its reply. However, it is pertinent to note that the date of payment of the amount as per quotation is admittedly 21.8.2012 in this complaint, which the complainant is alleging. In respect of other complaints, the date of making payments, so also date of issue

of firm quotation have not been disputed, even by the N.A. That as per the Regulation 2005, the period of standards of performance has been provided, so also in Appendix-A thereof, level of compensation payable to the consumer upon failure to meet that standards of performance, has been prescribed. As per Clause No.1(i) (ii), the period of completion of inspection in Rural areas is 10 days, whereas time period for intimation of charges is of 20 days. So after excluding 30 days period for these activities, if there is any delay in giving quotation, the compensation at the rate of Rs.100/- per week is provided. Admittedly, there is a delay in issuing of the quotation from the side of the concerned office of the N.A. Admittedly the complainants have made payments in office on receipt of firm quotations. In view of the delay in giving quotation, there is contravention of the Regulation, consequently the liability for payment for compensation arises. While passing the final order, appropriate order in that respect is being passed.

4. The complainants have also made grievance in respect of recovery of excess charges towards Security Deposit. According to the Learned Representative, the Security Deposit at the rate of Rs.500/- per HP has to be recovered, but it has been recovered at the rate of Rs.1000/- per HP. The Learned Representative of the N.A. has admitted that Rs.500/- per HP ought to have been recovered but he has submitted that this excess amount will be adjusted in the bills payable by the complainants after providing connections. Suffice to say that such submissions of the N.A. is not proper and reasonable. As per the Provisions the deposit is to be recovered at the time of providing connection. In any case, excess amount exceeding Rs.500/- per HP required to be refunded to each of the complainants.

5. The next grievance is about the delay in providing electric connection, consequently compensation is also claimed on that basis. No doubt in the

reply nothing has been stated from the side of N.A. that by what time the connection would be made available to the complainants. During course of argument, it has been submitted from the side of N.A. that as far as the complaint no.95/2014 is concerned, the work of erection of lines is in progress and within a few days , connections will be provided to him. As far as other cases are concerned, according to the Learned Representative of the N.A. connections would be provided as per the work orders issued by the office. According to the complainants' Learned Representative connections have been given under Non-DDF CC & RF Scheme, even to the consumers who have submitted applications subsequent to the complainants. On behalf of N.A. paid pendency list came to be filed. 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 a 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.”

6. The learned representative of the N.A. has made reference of the order of Hon. Electricity Ombudsman in the matter of Representation No.43/2011 by referring to the Para-6 of the said order, so also referred to the judgment of CGRF, Nashik. On going through the order of Hon. Electricity Ombudsman, Mumbai, more particularly in Para-6, it is clear that there is a observation that it is beyond purview of the CGRF or the Electricity Ombudsman to give any direction and cannot interfere in the chronological order / seniority. In the said order Hon. Electricity Ombudsman has turned down the complainants prayer for giving direction to the Licensee about giving supply. No doubt the Learned Representative of the complainant has referred to the order of MERC in case NO.43/2005 in support of his claim that the complainants are entitled for reliefs. While considering both these orders, it is clear that the order of Electricity Ombudsman in Representation No.43/2011 is directly on the point involved, so also later in time, whereas the order in Case No.43/2005 is for the relief of general nature and is of 2006. In view of the order in Representation No.43/2011, claim as mentioned by the Complainants for electric connection cannot be granted However, in view of the facts and the documents in the matter, this forum thinks it proper to direct the concerned officer of the Divisional Level, Akola Division to issue appropriate directions to all concerned officers/staff to maintain the F-1 and Auxiliary Registers properly and to have intermittent checking thereof. If there is any latches or failure on the part of the concerned staff / officer in maintaining those office registers, to take appropriate action against them. This will be helpful in improving the working

of the N.A. Licensee, so also there will be less chances of causing delay and injustice to any of the consumers concerned. With such observations, this Forum proceeds to pass the following unanimous order:

ORDER

1. The complaints No.94 to 97/2014 are hereby partly allowed, giving directions to the N.A. to refund the excess amount of Security Deposit to each of the complainant. However. 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.
2. The N.A. is directed to pay compensation at the rate of Rs.100/- per week for delay caused in issuing the Firm Quotation/Demand Note within the period provided under the MERC (Standards of Performance, Distribution Licensee, Period of giving supply & Determination of Compensation)Regulation, 2005, to each of the complainants.
3. 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 detail, in time and to have intermittent checking of these Registers enabling to take appropriate action against the erring staff/officer.
4. The N.A. is also directed to take appropriate action against the erring officer/staff for the lapses on their part including recovery of monetary liability imposed on the Licensee because of their inaction/lethargic attitude, as per the judgment of Hon. Supreme Court in case of M.K.Gupta - vrs - Lucknow Development Authority, 1994, SCC (i) Page-243, for causing delay in issuing Demand Note and recovery of excess amount of Security Deposit.

5. The N.A. being the Public Undertaking has to take reasonable approach and to make sincere attempts for making compliance under the Regulation in resolving the grievances/complaints of the consumers and to see that the connections are provided to them as early as possible.
6. 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/ 517
/07/2014

Dt. 14/07/2014

To
The Nodal Officer / Executive Engineer,
MSEDCL,
Achalpur Division,
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 Amravati.