

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

“Vidyut Bhavan”,
Ratanlal Plots,
Akola: 444 001
Tel.No.2434476

February 11, 2014.

Complaint No.107/2013

In the matter of grievance in respect of not providing elec.connection

Quorum :

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

Shrimati Lakhpatibai Nathulal Gupta, Yavatmal	... Complainant
...VS...	
The Executive Engineer, MSEDCL, Yavatmal	... Respondent

Appearances:

Complainant Representative: Shri D.M.Deshpande, Akola

Respondent Representative: Shri S.J.Khangar, A.E. MSEDCL, Yavatmal

1. The complainants case in brief is that about 4 Hectres Ag. Field of the complainant has been acquired for Bembla Project and thereby complainant is project affected, hence entitled for benefits. Accordingly for availing irrigation facilities to field Survey No.43, the requested No objection Certificate of Bembla Project was submitted along-with all other necessary documents for electricity connection. In the application for connection it was specifically mentioned that the place from where the electric supply is to be made. The said application was granted by the N.A. and as per demand Rs.7650/- was deposited on 17/7/12 along-with test report.

2. It is alleged that inspite submitting application on 10/10/12 no supply has been provided and the complainant approached to IGRC wherein order has been passed for providing electric supply after making joint inspection as early as possible of 4/1/2013. Accordingly on 15/1/13 measurement was taken wherein the place of lifting irrigation is found to be at 96 feet. In spite of all these, connection has not been provided inspite making all compliances and making of payment as per demand note, the connection is not provided, compelling the complainant to approach the Forum seeking reliefs provided for. Along-with complaint copies of documents annexed herewith.

3. As per regulations notice was given to N.A. for submitting reply to the complaint inspite availing the time the reply has not been filed and subsequently and belatedly the said reply has been filed, wherein the facts have not been disputed including making of payment of Rs.7650/- on 17/7/12. According to the N.A. the complainant has submitted no objection certificate of E.E. Bembla Project for S.No.43 whereas in fact the complainant wants electric connection from S.No.50 which is owned by E.E.Bembla Project.

4. It is further stated that as per spot inspection report the referred place is of S.No.50 whereas it is at about 800 feet from plot No.43. Further it is stated that the concerned transformer is meant for the Bembla Project and no LT line is passing there from for providing electric connection. It is stated that the No Objection of concerned E.E.Bembla Project is required as the said transformer is installed for the said project. The complainant is trying to misguide the Forum, the complainant is not entitled for relief and only to harass the N.A., the complaint has been filed, which needs to be rejected.

5 The matter was then posted for arguments . Heard complainants representative Lakhantal Nathulal Gupta, the complainants son with Mr. D.M.Deshpande, the representative whose authority filed on record and Shri S.J.Khangar, A.E. the learned representative of the N.A. It is pertinent to note that on behalf of the complainant further submissions in writing came to be filed with copies of documents and the same have been furnished to the learned representative of the N.A. It is pertinent to note that complainant Smt. Lakhapatibai N.Gupta has expired during the pendency of the proceeding i.e. on 4.1.14 and the affidavit along-with relevant documents including heir- ship certificate came to be filed on record. It is pertinent to note that the application for electric connection (A-1 form) field S.No.43 is shown so also on Page No.2 in front of name of owner of the premises where supply is to be made is shown as E.E.Bembla Project, Maharashtra State Govt. is mentioned. All other relevant documents including that of certificate of Talathi is also filed on record showing that the transformer is at 96 feet away. Needless to mention here that the matter was taken under Right to Information Act and ultimately Commissioner RTI Amravati has given certain instructions, the complainant has filed on record, copy of letter dt. 19th Dec.2011 of E.E. Yavatmal addressed to Commissioner RTI Amravati by forwarding copies thereof to the Information Officer and Appellate Authority specifically mentioned thereunder that both these authorities have been warned not to repeat such things in future.

6 The record clearly shows that the complainant has submitted certificate dt. 6/2/12 of the E.E. Bembla Project permitting the complainant for availing water for irrigation from the canal, copy of which was submitted to N.,A. and also annexed with the complaint. The record clearly shows that after

submission of application for connection sanctioned thereof the complainant has deposited Rs.7650/- as per demand note of N.A. of 17/7/12. The complainant has been asked to bring No Objection from E.E. Bembla Project. Accordingly complainant has submitted the letter dt. 8/10/12 to the E.E. Bembla Project Yavatmal narrating the facts alongwith relevant documents copy of which was given to the N.A. It is clear from record that after receipt of such letter from the complainant, the said authority, the E.E.Bembla Project Yavatmal has issued certificate dt. 15/7/13 in respect of its no objection for providing necessary electric connection to the complainant for irrigation in field S.No.43. The said No Objection certificate was also submitted with the N.A. and is also filed on record with complaint copy of which admittedly received by the N.A. In view of such facts and documentary material on record it is clear that the complainant has complied with the requirements.

7 According to the N.A. the complainant wants to have irrigation in field S.No.43 and the transformer is in Field No.50, the learned representative of the N.A. has submitted that the non-applicant is ready to provide electric connection to the complainant in S.No.43, suffice to say that such submissions is un-sound a already observed above in the application of the complainant for electric connection itself. It has been specifically mentioned by referring to the site of Bembla Project so also by letter dt. 8/10/12 as demanded by the N.A. the complainant has obtained No Objection Certificate from E.E. Bembla Project so in fact everything was complied with. At the most one year about 15/7/13 nothing prevented for the N.A. to provide connection, it has been wemently submitted on behalf of the the complainant Mr.Deshpande, the learned representative that in all such cases the N.A. has never raised no objection as tried to be raised in the present complaint and further submitted

that it does not required or mandatory that the place and electric supply to be provided must be owned by the applicant consumer concerned seeking connection at the most No Objection of the concerned owner is needed and that has been complied with, he has even cited number of examples including that of Corporation which is supplying drinking water to the city from Mahan Dam by availing electric connection at that place and water is being supplied to Akola city and other places. The submissions made on behalf of complainant in that regard has not been disputed from the side of the N.A. so apparently it is clear that the submissions made on behalf of the N.A. does not appear to be sound. Here it is further to be noted that even IGRC has passed order for providing electric connection at the earliest vide Order dated 4/1/13 as already observed above, the concerned No Objection Certificate of E.E.Bembla Project has been placed on record, consequently there has been compliances on the part of the complainant even as per the policy of the State Govt. priority is required to be given to irrigation and the N.A. is government undertaking, it has to co-operate and implement the schemes and also all the State Govt. have all these reasons. The complainant has made out the case and entitled for appropriate relief hence this forum proceeds to pass following unanimous order.

ORDER

- 1 The complaint 107/13 is hereby allowed. The N.A. is directed to provide electric connection to the complainant for irrigation of his field S.No.43 as per application, more particularly in view of No Objection Certificate

dt. 15/7/13 of E.E.Bembla Project Yavatmal as early as possible preferably within a period of one month.

- 2 In the circumstances parties to bear their respective costs.
- 3 That the compliance report to be submitted within one month from this order.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman