

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

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

Dt- 17 /10/2013

Complaint No.81/2013

In the matter of grievance of non-providing of electricity for agricultural pumps connection so also for compensation and other reliefs.

Quorum :

Shri T.M.Mantri,	Chairman
Shri P.B.Pawar,	Secretary

Sau. Neeta S. Pampattiwar, (Con.No. 310320001781) ... Complainant

...VS...

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

Appearances:

Complainant Representative: Shri Ashish Chandarana.

Respondent Representative: Shri Rathaur, Dy.Executive Engineer

1. The complainant's case in substance is that inspite of making payment of demand charges for agricultural pump connection on 31/1/2012 till date no electricity connection has been provided and though approaches were made to the authorities inclusive IGRC, Akola but to no effect. The said authority has passed order on 20/7/2013. Being not satisfied by the said order, the complainant has approached this forum submitting that as per the SOP provision of supply period of one month is provided. However, inspite of lapse of more than 19 months, the electricity supply has not been provided. The complainant thereby suffered financial loss so also physical and mental harassment, hence this complaint.

2. As per the regulations notice has been issued to the concerned office of the N.A. licensee seeking the reply to the complaint. The reply came to be filed late, when the matter was preceded for hearing. In substance, the defense of the N.A. is that the complainant has deposited the amount as per the demand note for the new agricultural pump connection on 31/1/2012. Reference has been made to the pending list of such applications wherein the name of the complainant is at Sr. NO.104. According to the N.A. the Government provides funds and the N.A. has to provide the connections accordingly. It has been stated that as per the Government circulars the N.A. has to carryout the working from the funds made available for the year 2012. An amount of Rs. 26.31 crores has been made available for Akola and Washim districts.

3. It is stated that the work contract are provided to the contractors for providing the electricity connection, as per the availability of funds, so also as per the seniority list. As Rs. 75.00 lakhs has been made available for Akola Rural Division, accordingly the work contract has been allotted to the contractor. On that basis, the agriculturists who have deposited the amount upto 23/11/2011 are being provided the electricity connection. As the complainant has made payment on 31/1/2012, the work of providing electricity connection to the complainant cannot be made. Reference has been made to the work order issued to M/s Orbit Engineering, Pune so also the list of the agriculturists of Akola Rural Division.

4. Reference has been made to the order of IGRC dated 20/7/2013 and the complainant is aware of the same as per letter dated 26/7/2013. The complainant has been provided with the information including that of other

schemes where under the electricity connection for agricultural pumps are made. According to the N.A., providing of connections to the agricultural pumps being as per the directions of the Government, upon making payment by agriculturists. The N.A. is not at fault. Reference has been made to the order of MERC in 43/2005. The N.A. has also contemplated the difficulties being faced by it for providing agricultural pump connections demand of which is huge. According to the N.A., there is no merit in the complaint and the same needs to be rejected.

5. Heard Shri Ashish Chandarana the learned representative of the complainant and Shri Rathour, Dy. Executive Engineer, the learned representative of the N.A. licensee. Admittedly, the complainant has applied for new agricultural pump connection on or above 23/11/2011 and she has been issued demand note for making payment. Admittedly, on 31/1/2012, the complainant has deposited Rs. 7500/- as per the demand note. However, till date, no connection has been provided to her. Admittedly, she approached the authorities concerned so also the IGRC. The IGRC has passed the order dated 20/7/2013 which cannot be said to be effective order and it is without considering the provisions, as well as regulations, as well as grievance of the complainant. The IGRC has passed the order for providing connection for agricultural pumps as per the seniority list. According to the N.A. the name of the complainant is at Sr.No.104. During the course of submissions it has been pointed out that other consumers ahead of the complainant in the list are under SPAPE scheme.

6. In substance, the N.A.'s contention is that the Government provides funds and on that basis the connections for agricultural pumps are provided.

During the course of arguments, the learned representative of the N.A. has tried to submit that the complainant was given information about the availability of other schemes i.e. information of Non DDF, CCRF scheme where under the consumer has to incur the expenses for infrastructure and after providing of connection the said expenses are being adjusted in the electricity bills. However, it was required to be admitted by him that there is no approval of MERC for such scheme. It means that it is the choice of the consumer either to go for the scheme or to have connection as per the provisions. Admittedly, the MERC has framed regulations (Maharashtra Regulations for standards of performance, distribution licensee, period for giving supply and distribution of compensation) Regulation 2005 which provides the period under which certain activities to be carried out by the licensee. It also provides the compensation payable to the consumer upon failure of meeting the said standards of performance. Here in the present case Category 1 (iii) of Appendix A of Regulation 2005 is attracted. It provides for time period for supply of connection from the date of receipt of completed application and payment of charges. Admittedly, the complainant has submitted the application and even made the payment as per the demand note on 31/1/2012. So the record reveals that the obligation on the part of the complainant was fulfilled on 31/1/2012. Under the above referred subject category (iii) from the different contingencies provided from where the connection is to be provided to the premises of the complainant such as providing connection from existing network, providing connection where extension or augmentation of distributing main is required and third, where the connection is provided by commissioning of sub-station. So, for each contingency different period of standard is provided, say of one month, three months and one year

respectively. Under the said Appendix, the amount of compensation payable upon failure of the said standards of performance is also provided and it is at Rs. 100/- per week or part from for delay. Nothing is clear from record as to what was the actual requirement. So even if by giving of latitude in favour of N.A. if one considers that it was necessary requirement of connection of sub-station, in that case one year period is provided. So at the most from 31/1/2012 when the complainant has made the payment after submission of application, as per the demand note, the connection ought to have been provided on or before 31/1/2013. Admittedly, till date, that has not been provided and even during the course of arguments the learned representative of N.A. has submitted that he cannot tell as to when such connection can be provided to the complainant.

7. The complainant consumer cannot be asked to wait indefinitely. The regulation provides certain obligations/standards of performance to be fulfilled by the N.A. licensee, else it will be liable for compensation. After the enactment of the Electricity Act, 2003, various provisions have been made. Providing of electricity connection is the monopoly activity being carried out by the N.A. licensee. When the N.A. licensee issues demand note and the applicant consumer makes payment as per the said demand note, it is expected that the N.A. licensee to fulfill the standards of performance.

8. On the part of the N.A. licensee an attempt has been made to make the pretext of non-availability of funds from the Government. Suffice to say that it cannot be the legal and valid justification. Here it is also pertinent to note that the N.A. licensee has made an attempt for getting relaxation in the standards of performance for providing the electricity supply to the agricultural pumps

and the said request of the N.A. licensee was not accepted by the Hon'ble MERC. The N.A. itself has filed copy of order of Hon. MERC in case No. 45/2005. During the course of arguments it has been submitted on behalf of the complainant that the N.A. licensee had approached Aptel against the order of Hon. MERC, however the said appeal was also dismissed. It has not been disputed by the learned representative of the N.A. licensee. So it is clear from the record that the plea for relaxation for providing electricity supply to the agricultural pump connection as per the regulation has not been accepted.

9. This forum has already dealt with the different priorities provided in the Appendix A of the regulations also stating consequences of compensation is also provided, upon failure to meet the standards. As already observed above that even if the highest period of standard of performance of one year is taken into consideration, even in that case there is delay on the part of the N.A. licensee. Nothing has been brought on record from the side of N.A. licensee to justify its stand. Consequently, it is clear that there is failure in meeting with the standards of performance, of providing of electricity connection to the complainant. When the statute and enactment of regulations provides certain obligations, the N.A. licensee cannot be permitted to take otherstands which have no base under the regulation. Subsequently, the complainant's grievance is fully justified. The complainant cannot be asked to wait indefinitely after making payment of amount as per the demand note on 31/1/2012. This forum is therefore of the view to pass the appropriate order, so as to meet the ends of justice, inclusive that of providing the compensation apart from giving direction for providing electricity connection.

10. The complainant has also claimed the compensation on account of mental and physical harassment and financial loss. Suffice to say that nothing has been brought on record to establish the same. There cannot be claim for too remote damages/compensation. This forum is not inclined to accept the said claim of the complainant and hence proceeds to pass the following unanimous order :

ORDER

- 1) That complaints NO. 81/2013 is hereby partly allowed.
- 2) That the concerned office of the N.A. licensee is directed to provide the electricity connection to the agricultural pump of the complainant as early as possible so also pay the compensation @ Rs. 100/- per week for the delay from 1/2/2013 till the date of providing the electricity connection, by making adjustment thereof in the bills to be issued to the complainant, after connection.
- 3) That under the peculiar situation no order as to costs.
- 4) That the compliance report to be submitted within a period of one month.

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman