

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

*“ Vidyut Bhavan” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476*

Dt.04/09/2015

**Complaint No.14 / 2015**

**In the matter of grievance pertaining to non-providing of agricultural electric connection & compensation, etc.**

**Quorum :**

Shri T.M.Mantri, Chairman

Shri D.M.Deshpande, Member

Shri. R.A.Ramteke, Member/Secretary

Shaikh Yunus Shaikh Musa	.....	Complaint No.14/2015
R/o Murtizapur Di: Akola	.....	Complainant
	.....Vrs.....	
The Executive Engineer (R.) Akola	.....	Respondent

**Appearances :**

Complainant Representative : Shri Ashish Chandarana

Respondent Representative : Shri. Fulzele, Dy.Executive Engineer

1. The complainant's case in brief is that on account of completion of the work of bore-well in April 2013, he has applied for Electric connection on 24-6-2013. The said application was Numbered as 73. In spite of approaches, neither inspection was carried out nor satisfactory reply was given though approached time and again. On the contrary when again the Complainant had gone to Murtizapur Office on 21-1-2014, he was asked to submit new application again as the earlier application was mis-placed. Accordingly, the application was submitted on 21-1-2014 with Sr.No.93. Even this time the quotation was

delayed and it was issued on 25-3-2014 and the amount of Rs.8600/- was accordingly deposited on 29-3-2014. It is alleged he was assured about providing of Electric connection by 31-3-2014. In spite approaches made time and again, nothing was done, on the contrary, various excuses were given requiring the complainant to issue notice dated 13-3-2014 through Advocate (which ought to have been 2015) In spite receipt of notice, neither it has been replied nor connection has been provided till date.

2. The complainant then approached Grievance Cell on 23-4-2015 but no enquiry was made. It is alleged by the complainant that on 3-4 occasions he had visited the said office but nothing was done and later on it was informed that the order was sent by Post and will be received by him. It is alleged though the order alleged to have been passed on 26-5-2015, but when the complainant had gone on 16-6-2015, it was personally handed over to him and he has been informed that he would receive connection immediately. However, till date no Electric connection was provided, compelling him to approach this Forum seeking reliefs prayed for. Alongwith the complaint, bunch of document came to be filed.

3. Though notice was given to the N.A. for submitting parawise comments to the complaint, however, no reply was filed. Later on an application for condoning delay in submitting reply came to be filed with reply. After hearing the parties, order was passed and the reply has been admitted on record, copy of which was already given to the complainant. According to the N.A. the Complainant applied for new Agricultural Pump connection and remitted the amount of firm quotation on 29-3-2014. The paid pending agricultural list is total of 1370 and the complainant's chronological Sr.No. is 915. It is, further stated that the work order has been issued to the concerned person for

covering agricultural paid pending consumers who have made payment upto 31-3-2012. Further averments have been made about the tender which alleged to be under finalization for the consumers who have made payment upto December 2012. Agricultural Pump connections are being released as per the chronology of Murtizapur Taluqa. It is further averred that the consumers who have paid upto 31-3-2015 is planned to be released upto June 2016, subject to availability of funds. Lastly, it is stated that connection of the complainant will be released on top most priority, as per chronology. (Alongwith the reply some details of paid pending list came to be produced. )

4. Heard Shri Ashish Chandarana, Learned Representative of the complainant and Shri Fulzele, Dy.Executive Engineer, the Learned Representative for the N.A. During the course of argument, this Forum thought it proper to ask N.A's representative to produce F-1 and A-1 Registers from April 2013 onwards. In spite of giving sufficient time, the N.A. has failed to comply with the said direction. However, on 31-8-2015 has brought 2 Xerox sheets of F-1 Register, that too, in incomplete form, Originals thereof are not brought. Prior to that the complainant has also filed written submissions and copies of certain documents on 12-8-2015 by tendering copy in the office of the N.A.

5. That on going through the record, so also upon considering the rival submissions made on behalf of the parties, it is apparently clear that the N.A. has not come with clean hands and tried to suppress the factual material from this Forum. Here, it is pertinent to note that the complainant has specifically averred in the complainant about giving of application for agricultural pump connection on 24-6-2013. The copy of the acknowledgement

issued from the N.A. is also filed alongwith the complaint. So also in the correspondence made, there is specific reference of the same, however, in the reply filed by the N.A. on record, it is clear that the N.A. has intentionally avoided to make any submissions in respect of allegations made by the complainant in respect of his first application dated 24-6-2013. During the course of argument also, the Learned Representative of the N.A. has not made any reference about those allegations and the documents in that respect. The N.A. has made reference about the submission of second application of the complainant. In view of such peculiar facts and non-denial of those specific allegations of the complainant by the N.A. in reply, so also during the course of argument, this Forum has to accept those allegations of the complainant as correct. Even otherwise the copy of the acknowledgement about submission of such application by the complainant on 24-6-2013 is on record and that has been admitted on record by the N.A.'s representative but he has avoided to give any answer or explanation in that respect. So the complainant's submissions in that respect will have to be accepted. We will see lateron its effects.

6. With regard to the second application filed by the complainant on 21-1-2014, it is clear from the record that even the Quotation for the second application was not given immediately, much less in the prescribed period as provided under the MERC (Standards of performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulation, 2005. The quotation was issued on 25-3-2014 and the complainant admittedly made payment thereof on 29-3-2014. So apparently it is also clear that there was failure on the part of N.A. in meting the Standards of performance provided under the Regulation 2005, in that respect.

7. According to the complainant, inspite of approaches made time and again nothing was done, hence he was compelled to approach IGRC, wherein also he could not get the relief and there was also delay in delivering copy of the order issued, ultimately delivered by hand on 16-6-2015. If one goes through the order of IGRC, it is clear that it cannot be said to be the order. Neither there is any discussion nor reasoning and it is in fact a single line order. There is no reference as to what was the stand of the N.A., what documents have been produced and considered by the IGRC. The complainant being dis-satisfied approached this Forum.

8. As far as the defense and submissions of the N.A., it is clear that it is not only vague but an attempt to make avoidance. As already observed above, there is no reference about the first application submitted by the complainant. They only reliance is on alleged paid pendency list. The said alleged list cannot be accepted in the form as it has been filed on record. No details have been given about the connections provided to the named applicants from the said alleged list. In order to ascertain the facts and to have clear picture of the factual position of applications of pending, connections provided etc, this Forum had asked the Learned Representative of the N.A. to produce the concerned F-1 and A-1 Registers from April 2013 onwards till date. Even that has not been complied with. As already said above, only two Xerox sheets have been, belatedly tried to be filed on record, but no reason is given for withholding of original Registers and documents which were asked to be brought in before the Forum. The said document is not at all helpful to the defense of the N.A. so also it does not make the position clear. Under these circumstances, this Forum has to decide the matter on the basis of available material coupled with the provisions under the Regulation 2005.

9. This Forum cannot ignore the fact of submission of application by the complainant for new connection with Sr.NO.73 on 24-6-2013. It is clear that on account of negligence and lethargic attitude on the part of the concerned staff of the concerned office of the N.A., the said application has been either mis-placed or suppressed. The communication dated 4-3-2015 from the Information Officer/Dy. Executive Engineer, Murtizapur has been filed by the complainant wherein it has been stated that the complainant's application for agricultural pump connection was sent to Kurum office – Distribution Centre on 27-6-2013 vide Outward No.1569, apart from the acknowledgement of the concerned office of the N.A. So there is reference about the sending of said application to the concerned Centre. From the record it is clear that the staff/Officers of the N.A. asked the complainant to submit a fresh application and accordingly, for availing connection, the complainant has submitted another application on 21-1-2014 with Sr.No.93. The Forum finds substance in the submissions made on behalf of the complainant for the allegations of negligence on the part of the staff of the concerned office of the N.A., the complainant cannot be asked to suffer. In the circumstances the date of first application needs to be considered for availing the electric connection.

10. Even it is clear that there was a delay on the part of the concerned Office of the N.A. in issuing Demand Note after receipt of second application. The above referred Regulation 2005 provides compensation payable on failure to meet the standards of performance prescribed, so the complainant is entitled for compensation on account of such delay. Admittedly on 29-3-2014, the complainant has remitted Rs.8600/- it is thus clear that the complainant has made payment promptly. Had the staff of the concerned office of the N.A. acted diligently, after receipt of first application on 24-6-2013, the complainant

could have made payment of requisite amount of quotation and he could have been much ahead in the Paid Pending List. Here, it is pertinent to note that though the complainant has approached the authorities of the N.A. in person as well as vide application, no cognizance has been taken. Even the notice is sent through Advocate dated 13-3-2015, has not been replied. As per the provisions of Regulation, 2005, the standards prescribed for supply of election connection after receipt of completed application and payment of charges, so in any case even according to the stand of the N.A. the complainant has remitted the payment on 29-3-2014. The Xerox copy the Paid Pending List filed on record is also incomplete and 2 Xerox sets of F-1 and A-1 Registers are not at all of any help to the N.A. In the peculiar facts and the circumstances of the case, this Forum thinks it proper to direct the N.A. to provide the electric connection to the complainant early, so also to pay compensation at the rate of Rs.100/- per week for the delay in issuing firm quotation. Apparently, there is delay of 6 weeks in issuing Quotation i.e. on 25-3-2014, excluding the period provided in Regulation 2005, so the complainant is entitled for compensation of Rs.600/- for such delay. The complainant has filed on record his written submissions on 17-8-2015 with the documents and making categorical averment that one Shamshuddin of Kurum had made payment on 25-8-2014 and he has been provided with the connection. The said submission of the complainant has not been denied from the side of the N.A.

11. Looking to the facts and circumstances of the case, it will be just and proper that monitory liability arising out this order needs to be recovered/ imposed on the concerned staff of the concerned office of the N.A., on account of the latches / negligence on their part. The N.A. to also take appropriate administrative action against the erring staff which resulted in this litigation

and imposing of monetary liability. The complainant is also entitled for appropriate costs, requiring him to approach the office of the N.A. time and again. With such observations, this Forum proceeds to pass the following unanimous order:

### ORDER

1. That the complaint No.14 /2015 is hereby partly allowed. The N.A. to provide electric connection to the complainant as early as possible, in any case within two months from this order.
2. The N.A. is also liable to pay Rs.600/- by way of compensation for causing delay in meeting the standards of performance for issuing the firm quotation as prescribed under the Regulation 2005 and also liable to pay Rs.1000/- by way of cost of the proceeding to the complainant.
3. The N.A. to recover the amount of monetary liability imposed against it in pursuance to this Order because of lethargic attitude / negligence on the part of the concerned staff of the concerned Office of the N.A., apart from taking administrative action against the erring staff.
4. That the compliance report to be submitted within the period of two months from the date of this order.

Sd/-  
(R.A.Ramteke)  
Member/ Secretary

Sd/-  
(D.M.Deshpande)  
Member

Sd/-  
(T.M.Mantri)  
Chairman



No.CGRF / AMZ/ Akola/

Dt. /09/2015

To  
The Nodal Officer / Executive Engineer,  
MSEDCL,  
Rural Division,  
Akola

The order passed on 04-09-2015 in the Complaint No. 14/2015, is enclosed herewith for further compliance and necessary action.

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

**Copy to:**

Shaikh Yunus Shaikh Musa, R/o Murtizapur Ta:Murtizaur Dist: Akola

Copy s.w.r.to:-

The Superintending Engineer, O & M Circle Office Akola.