

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

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

February 14, 2014.

Complaint No.108/2013

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

Shri Pramod Ramkrishna Patond,Anjangaonsurji	... Complainant
...VS...	
The Executive Engineer,MSEDCL, Achalpur	... Respondent

Appearances:

Complainant Representative: Shri D.M.Deshpande,Akola

Respondent Representative: Shri D.P.Magar,A.E. MSEDCL,Anjangaonsurji

1. The complainant has approached this forum in respect of his grievance onot providing him Ag. pump connection, though application was submitted on 16/5/11. It is alleged that after about a year when the complainant was making request time and again, demand note dt. 25/6/12 for Rs.7650/- issued, the complainant has deposited the said amount on that date itself i.e. 25/6/12. There after the complainant was approaching time and again but to no effect. Even letters dt.28/6/13 and 3/8/13 were submitted to the authorities concerned but no connection has been provided till date hence he is compelled to approach this forum, seeking the reliefs prayed for. Alongwith complaint copies of documents referred to have been filed.

2. Notice was issued to the N.A. for submitting parawise reply to the complaint. The reply came to be filed, belatedly, on 7/1/14 wherein the facts of submission of application, issuing of demand note and remittance of payment by the complainant on 25/6/12 are not disputed. It is stated that the HO Mumbai has given direction for giving electric connection to the consumers who have deposited amount till 31/3/12, as per letter dt. 28/5/13. The consumers who have deposited amount after 1/4/12 they have been put under Infra Plan II. The work of tendering for Infra Plan II is not completed from the HO, therefore the N.A. office has issued list of the consumers prior to 31/3/12 to the contractors for providing connection.

3. It is stated that the complainants Sr.No.in seniority list of Daryapur Sub Dn is as Sr.No.40 and for providing connection to the complainants transformer of 63 KVA with 11 kv line are required to be installed. After completion of the work of tendering by the HO for Infra Plan II, the connection will be provided to the complainant. Though it has mentioned in the reply about annexing of seniority list, however no such list was annexed with the reply. The matter was then posted for arguments

4. Heard Mr.D.M.Deshpande, the learned representative for the complainant and Shri D.P.Magar, A.E. Anjangaonsurji, the learned representative of the N.A. That documents came to be filed at the time of hearing. The N.A. has also filed list of paid pending of Daryapur Sub Dn. wherein complainant's No .is at Sr.No.40. As already observed above, it is not in dispute that the complainant has submitted the application for Ag.pump connection on 16/5/11 The complainants version that he approached time and again, but nothing was done and after about a year, demand note dt. 25/6/12 for Rs.7650/- came to be issued with which the

complainant has deposited on 25/6/12 itself, is not contraverted. So apparently there is abnormal delay for making compliances on the part of the N.A. of issuing of demand note. As per MERC (Standard of performance of dist. Licensee, period of giving supply and determination of compensation)Regulation 2005 the period for complying the activity of inspection of the premises and issuing of demand note/quotation is prescribed. When the application of the complainant was received admittedly on dt. 16/5/11 why there was such delay till 25/6/12, has not been explained at all from the side of N.A. The complainant has claimed compensation for such delay. In Appendix A of Regulation 2005 referred to above, under Item No.1 period for provision for complying activities has been given so also the compensation payable to consumers upon failure to meet that standard of performance. Accepting submission of the N.A. as per regulations period of 30 days is prescribed standard for giving intimation of the charges to be borne by the consumers i.e. issuing of demand note. Here in the present case admittedly demand note was issued on 25/6/12 and the complainant has deposited the amount on that date itself so consequently there is failure on the part of N.A. to meet the standard of performance prescribed under regulations for issuing demand note, consequently the complainants request for providing compensation on that count as per regulations needs to be granted.

5 It is admitted position that inspite remitting of the amount as per demand note on 25/6/12, till date no connection has been provided to the complainant. Neither in the reply nor during course of arguments it has been submitted as to when such connection would be provided , on the contrary the plea raised in reply clearly shows that the N.A. is unable to state as to when connection would be provided to the complainant. Reference has been made in reply to letter of HO for providing connection to the consumers, who have paid till 31/3/12 only

and the consumers who have paid amounts subsequent thereto i.e. from 1/4/12 reference has been made about Infra Plan II. As per reply the contractors have been asked to provide connection to the consumers who have deposited amount prior to 31/3/12. Here it is pertinent to note that herein the demand note itself was issued after lapse of period of 13 months or so and the complainant has deposited the amount on the same date itself as soon as demand note was received. There is much substance in the submissions made on behalf of the complainant that had the N.A. office given the demand note immediately after receipt of application within a time period, the complainant would have deposited the amount and his payment would have been much prior to 31/3/12. Because of laches on the part of concerned officer/staff of the N.A. there was abnormal delay, resulting in issuing of demand note late on 25/6/12 and remittance thereof on that date itself. There was no reply from the side of the N.A. to such submissions.

6 The other ground raised in reply on behalf of the N.A. is of requirement of installation of 63 KVA transformer. In the demand note issued to the complainant, there is no such reference of requirement of installation of transformer. According to the learned representative of the N.A. period of 1 year is provided under Regulations referred to above, in view of requirement of installation of transformer. According to him installation of transformer means commissioning of the Sub Station. This submission has been opposed from the side of the complainant. Prior to considering this controversy, it is required to be mentioned that even period of more than 1 year has been passed after making of payment by the complainant. As far as submission of the N.A. that installation of transformer means commissioning of sub stn. nothing has been pointed out to support the same, on the contrary the definition of sub station under Sec.2 (69) of

Electricity Act,2003, it is clear that the said contention of the N.A. is not correct. So apparently the regulations 2005 referred to above in Appendix A clause 1 (iii)provides period of 3 months as time period for provision of supply to the consumers upon receipt of application and payment of charges. So admittedly on 25/6/12 the requirements to be done by the complainants were complied with and it was for N.A. to meet standards of performance. Apparently there is failure on its part to meet that standard of performance.

7 On behalf of the N.A.an attempt has been made to submit that as per direction of the HO, contractors have been allotted work for providing connection to the consumers who have deposited payment till 31/3/12. Nothing has been brought on record to substantiate the same. In any case the provisions of Regulation 2005 referred to above shall prevail in such circumstances. Even if one peruses the list of paid pending of Daryapur Sub Dn. filed by the N.A. during course of arguments, it is clear that the same is not giving necessary details. Nowhere it has been mentioned as to which consumers have been provided with electric connection and date of providing such connection. During course of arguments the N.A. was called upon to produce copy of F-1 Auxiliary register along with list of connections made since 16/5/11. Those details have not been brought on record, consequently there is substance in the submission made on behalf of the complainant for drawing adverse inference for non production of best available documentary evidence in the possession, power and custody of the N.A. Apparently from the record it is clear that there is failure on the part of N.A. to meet standard of performance of giving electric connection supply to the complainant within a period of prescribed under Regulation 2005 referred to above, consequently the complainants request for providing compensation as

mentioned in the Regulations needs to be granted, apart from giving direction for providing electric supply.

8 The complainant has also claimed Rs.15000/- for mental harassment and other expenses. In the reply nothing has been stated on behalf of he N.A. in that respect. The claim of Rs.15000/- as made by the complainant appears to be exaggerated, no doubt the complainant was required to approach the authorities time and again. Inspite receipt of written communication dt. 21/6/13 and 3/8/13 neither any reply has been given nor any steps have been taken. Even in the reply filed in the present proceeding, nothing has been stated in that respect from the side of N.A. The version of the complainants about approaching the authorities concerned time and again and pursuing the matter has remained uncontraverted. Naturally the complainant has incurred expenses and it will be just and proper to grant appropriate relief in that respect. As is clear from record there was negligence/latches on the part of concerned officer/staff of the concerned office of the N.A. for issuing demand note, too late, i.e. after about 13 months of receipt of application, whereby the liability of compensation has arisen, hence it will be just and proper that N.A. to take suitable action in that respect against the erring officer/staff including recovery of monitory liability. This is as per ruling of Hon.ble Appex Court reported in the matter of Lucknow Development Board versus Shri M.K.Gupta, reported in 1994 SCC (1) 247 Page. With such observations, this forum proceeds to pass following order, unanimously.

ORDER

- 1 The complaint 108/2013 is partly allowed. The N.A. is directed to provide electric connection to the complainant as early as possible preferably within a period of one month.
- 2 The N.A. is also directed to pay compensation at the rate of Rs.100/-per week in view of failure of standard of performance about giving the demand note to the complainant from 16/6/11 to 25/6/12 (i.e. for 53 weeks) so also the N.A. is directed to provide compensation @Rs.100/- per week for failure of Standard Of Performance for providing electric connection the complainant from 25/9/12 till the date of providing of connection to the complainant.
- 3 The N.A. is also liable to pay cost of Rs.500/- to the complainant.
- 4 The N.A. is also directed to take appropriate steps against the erring officer/staff of the concerned office of the N.A. recovery of the financial liability imposed on the N.A. as per ruling of Hon'ble Supreme Court apart from taking action as per service regulations.
- 5 That the compliance report to be submitted within one month from this order.

S/d
(A.S.Gade)
Member

S/d
(P.B.Pawar)
Secretary

S/d
(T.M.Mantri)
Chairman