

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

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

Dt-31/05/2013

**Complaint No.14/2013**

**In the matter of New Prince Welding Works,(MIDC) Akola for non supply of electric connection.**

**Quorum :**

Shri T.M.Mantri,	<b>Chairman</b>
Shri P.B.Pawar,	<b>Secretary</b>
Shri A.S.Gade	<b>Member</b>

**New Prince Welding Works,(MIDC) Akola** ... Complainant

...VS...

MSEDCL Urban Division ,Akola ... Respondent

1 The complainants grievance is in respect of non-supply of electric connection inspite submission of requisite applications for 19 HP for industrial purpose of new welding workshop at MIDC along with necessary documents. It was acknowledged on 17/10/11 as per annexure filed with complaint. It is alleged that the complainant has not received demand note for payment from non applicant so also not received electric supply inspite the approaches to various authorities of the N.A.licensee. It is alleged that all the time reply was given that sanction is awaited from E.E.(U). The complainant has alleged that his entire project was ready by spending Rs.2/-lakhs and is suffering losses for non receipt of the electric supply.

2 Reference has been made to lodging of grievances with IGRC Akola on 18/01/12 claiming reliefs in respect of providing of electric connection, compensation as per provisions. It is alleged that IGRC has partly allowed the grievance ordering the N.A.licensee the release the electric supply with direction to take necessary action for delay in releasing the connection. Inspite order of IGRC, it is not complied with till date, hence complaint. Grievance have been made for not granting relief in full by IGRC by

quoting provisions of electricity Act,2003 and regulations 2005 and claimed that direction be given for releasing electric supply within 15 days so also for compensation for not intimating the charges to be borne by applicant so also for delaying electric connection. The complainant also claimed interest @ 9.5% on Rs.2/-lakhs which has been spent by him as everything was remaining idle for want of electric connection, apart from claiming cost in the present proceeding . The complainant filed documents alongwith complaint.

3 After receipt of the notice of the forum the concerned office of the N.A.licensee has filed reply, belatedly, admitting submission of application on 17/10/11, carrying out joint inspection on 30/11/11. It is alleged that it was found that LT-III PH 4 W line was not available for releasing the electric connection. The concerned J.E. informed the complainant to carry out the above work under non DDF CCRF scheme. The complainant did not submit his consent letter. Reference has been made to circular dt.20/5/05 of HO and alleged that it is with a view to avoid hardships to the prospective consumers and to remove difficulties under release of new connection. It is further stated that under the said non DDF CCRF scheme, the expenses incurred by the consumer is refunded by way of adjustment in energy bills. As the complainant has not submitted his consent for execution under said scheme, the application is kept pending. Reference has been made to provisions of Regulation 2005 more particularly 3.2.1. It is stated that instead of giving consent the complainant approached to IGRC Akola and then filed the present complaint. Even during course of hearing before IGRC it was pointed out that the matter is pending for consent of consumer. The IGRC Akola has passed the order after hearing both the parties. It is stated that the complainant has not acted as per order of IGRC i.e. not submitted consent to execute the infrastructure, hence supply could not be released and his application is pending. In the reply of the N.A. the provisions under Section 43(3), 57 and 59 of Electricity Act have been stated to be not relevant so also it is stated that the complainant has not observed the guidelines given by MERC under 70 of 2005, hence the complainants request is not considerable. There is no lacuna and discrepancy on the part of N.A.licensee at any point of time, hence the complaint be dismissed. Along with the reply copies of some documents came to be filed.

4 Heard Shri D.M.Deshpande, the learned representative for the complainant and Shri Pradeep Sagne, E.E.(U) the learned representative for the N.A.licensee. As is clear from record, submission of application by the complainant for supply of 19 HP connection for Welding Works on 17/10/11 is not disputed. The complainants grievance

is that as per provisions neither he has been issued demand note about payment to be made on his behalf nor electric connection has been provided inspite of approaches made to the authorities of the N.A.licensee time and again. In fact this has not been disputed from the side of N.A.licensee. On the contrary the main bone of contention in defence is that as the complainant has not given consent for carrying out the said work under non DDF CCRF scheme, hence it is pending. It has been submitted on behalf of the N.A.licensee that under the said scheme the consumer has to spent for infrastructure and after release of electric connection the amount so spent is adjusted in the energy bills. The complainant has categorically informed the concerned authorities of the N.A.licensee that he is not in a position to spent the amount and as per requirement under regulations electric connection be provided to him.

5 Admittedly the complainant has approached IGRC Akola and after hearing the parties IGRC Akola has passed order wherein direction has been given to provide electric connection to the complainant, immediately. So also it has been directed to take appropriate action for delay caused. It is an admitted position that inspite said order passed in May,2012 by IGRC nothing was done hence the complainant approached this forum. It is rather surprising to note that in reply the N.A.licensee has stated that the complainant has not acted as per order of IGRC i.e. not submitted consent to execute the infrastructure. In substance the N.A. licensee's defence is that as the complainants has not given consent for having connection under Non DDF CCRF scheme therefore the application of the complainant is pending. Firstly there is no such direction in the order of IGRC as contended in defence reply from the side of N.A.licensee. In any case there cannot be compulsion even as per regulation for consumer to give consent for such scheme. Nothing has been brought on record from the side of N.A.licensee to substantiate its defence, on the contrary the position is otherwise and clear and even as per the directions of the Hon.ble MERC all infrastructure is to be created/established by the N.A.licensee and only schedule of charges approved by MERC vide order dt. 8<sup>th</sup> Sept.2006 are recoverable. Even this is clear from the guidelines for releasing new connection mentioned in Circular No.29/5/08 of the N.A.licensee. The relevant part of the observations of Hon.ble MERC in Case No.14/2013 are filed on record more particularly page No.16. Even the other documents filed on behalf of the N.A.licensee such as letter dt. 01/09/12 of E.E.(U)Akola to S.E. Akola and letter dt. 27/09/12 of C.E. Dist. To S.E. Akola does not support the defence raised on behalf of the N.A.licensee. It is apparently clear that the N.A.licensee is entitled to recover charges as approved by MERC only and nothing more. Nothing has been brought on record or proved from the

side of the N.A.licensee to establish that, its demand to the complainant and defence as raised for keeping the application of the complainant pending has anything in support. As per regulations i.e. supply code 2005 provisions is made for carrying out inspection, period for intimating the charges to be borne by the applicant and compensation for failure to meet standard of performance. Here it is pertinent to note that apart from the provisions of regulations 2005, here in the present case, there was also direction by IGRC Akola but that has not been complied with consequently the complainant is entitled for appropriate relief on account of failure on the part of the N.A.licensee to meet standard of performance as given in Regulation 2005. Admittedly the joint inspection was carried out within the period but subsequent steps to be taken by the N.A.licensee, there is utter failure under wrong and untenable pretext. The complainant is therefore entitled for appropriate relief for getting the electric connection as well as compensation on account of failure to meet SOP on the part of N.A.licensee for not intimating the charges for not issuing demand note so also for not providing electric connection, as claimed by the complainant in the complaint, in view of provisions enumerated in Appendix A of Regulation 2005.

6 The complainant has also claimed interest @9.5% on the amount of Rs. 2 lakhs/- alleged to have been spent by him and unable to take use there of being remained idle for want of electric connection. Suffice to say that nothing has been established by the complainant in that behalf. In any case the nature of such claim i.e. for losses as claimed is too remote and this forum is of the view that such claim cannot be granted. The complainant has also claimed cost of Rs.4000/-, the learned representative of the N.A.licensee has opposed the same. That considering the fact that inspite lapse of sufficient long period and failure on the part of the N.A.licensee to provide connection, the complainant has to approach various authorities of the licensee so also IGRC and ultimately this forum, it will be just and proper to grant appropriate relief in that respect. With such observations this forum proceeds to pass unanimous following order.

## ORDER

- 1) Complaint 14/2013 is hereby partly allowed. The N.A.licensee is directed to provide electric connection to the complainant within period of one month from the date of this order by intimating him the charges to be paid by him as per regulations i.e. approved charges.
  
- 2) The N.A.licensee is directed to pay compensation of Rs.7800/- for failure to meet SOP of giving intimation of charges to be borne by the complainant for 78 weeks so also N.A.licensee is directed to pay Rs.7200/- compensation for 72 weeks as per SOP on account of failure to meet SOP in not releasing the electric connection for 72weeks. Needless to say that both these amount of compensation are to be adjusted in the electric bills of the complainants.
  
- 3) The N.A.licensee is further directed to pay cost of Rs.1000/- for the present proceeding, rest of the claim of the complainant is rejected.
  
- 4) Compliance report to be submitted within a period of three months from the date of this order.

Sd/-  
(A.S.Gade)  
Member

Sd/-  
(P.B.Pawar)  
Secretary

Sd/-  
(T.M.Mantri)  
Chairman