

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

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

February 13, 2014.

Complaint No.109/2013

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

Quorum :

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

Shri Rajesh Kadambaji Barde, Anjangaon-surji	... Complainant
...VS...	
The Executive Engineer, MSEDCL, Achalpur	... Respondent

Appearances:

Complainant Representative: Shri D.M.Deshpande, Akola

Respondent Representative: Shri D.P.Magar, A.E. Anjangaon surji

1. The complainant has approached this forum in respect of grievance about not providing of Ag.electric connection inspite remittance of amount of Rs.8500/- on 30/11/12, as per demand note till date. It is alleged that as per MERC standard of performance norms connection is to be provided within three months. Inspite time and again approaches nothing was done, even written communication was made on 12th Sept.13 to which untenable reply of completion of work after appointment of contractor has been given.. According to the complainant there is abnormal delay which has resulted in mental harassment apart from causing monetary losses. The complainant has claimed

compensation as per SOP along-with Rs.1/-lakh rupees towards loss of crop suffered by him together with Rs.5000/- towards cost. Along-with complaint copies of documents came to be filed.

2. Even after receipt of notice from this forum for submitting reply by the N.A., it was not filed in time and subsequently on or about 7/1/14 reply came to be filed wherein the facts are not disputed including that of depositing of amount of Rs.8500/- by the complainant on 30/11/12. It is stated that as per letter of H.O. Mumbai dated 28/5/13 the work of providing electric connection to the consumers who have made payment till 31/3/12 are to be made. For the consumers who have deposited amount after 1/4/12, for them under scheme Infra-II connection has to be provided and its tender process is yet not complete. The work of providing connection to the consumers who have deposited amount prior to 31/3/12 has been allotted to the concerned contractors.

3. It is stated that as per seniority list of Anjangaon Sub Dn. complainants Sr. No. is 371 and the transformer from which connection is to be provided to him, is over-loaded. As per communication dt. 10/5/13 new transformer has been sanctioned which requires installation of 11 kv line with 63 KVA transformer. After completion of work of tendering of Infra scheme II, the connection to the complainant will be provided. Though it is mentioned in the reply that copy of seniority list is annexed but the same was not annexed with reply.

4. Heard arguments of both the parties . On behalf of complainant Mr.D.M. Deshpande the learned representative, has made submissions whereas on behalf of N.A. Shri D.P.Magar, A.E., the learned representative of N.A., has

advanced his submissions. The copy of list of paid pending of Anjangaon surji sub dn. has been filed by the said representative when it was pointed out that no such copy was annexed with the reply. As already observed above submission of application for Ag. pump connection by the complainant on 1/11/12 issuing of quotation/demand note dt.26/11/12 and remittance of amount of Rs.8520/- by complainant on 30/11/12 are undisputed facts. It is also not in dispute that till date no connection has been provided to the complainant and nothing has been stated as to by what time such connection would be provided. From the reply of the N.A. it is clear that even for Infra plan II the work of tendering is yet to be completed. During course of arguments it was asked to the N.A. to produce F-1 Auxiliary register from Nov.12 onwards, the same has not been produced, on the contrary list of paid pending has been filed on record. It appears that even the said list is not correct and complete though it is from June10 but nothing has been stated or pointed out as to how many consumers there-from have been provided with electric connection and details thereof.

5 The other ground of defense is that transformer from which connection is to be provided to the complainant is over-loaded and new transformer has been sanctioned on 10/5/13 but what happened thereafter has not been pleaded in reply so also nothing has been stated during course of arguments. Here it is pertinent to note that in the estimate/demand note it is only mentioned R/L=0.24 km. It has been admitted during course of submissions by the learned representative of the N.A. that for getting estimate/demand note, inspection is made through concerned officer of N.A. of the premises where connection is to be provided and on that basis the estimate is prepared. It is clear that from the submissions made that at the relevant time i.e. in Nov.12

the said transformer from which connection was to be provided to the complainant was not over-loaded. Now in the reply for first time the requirement of installation of new transformer and sanction there of is made whereas when the complainant was approaching for connection it was not so informed to him. Even in the reply dated 11/10/13 of A.E. Anjangaon to the complainant it is stated that after appointment of contractor the connection would be provided to the consumers subsequent to March 12. The learned representative of the N.A. has tried to justify the defense by making submission that there was mistake of J.E. which resulted in this situation. The submissions made on behalf of N.A. cannot be accepted. As already observed above inspection was carried out and accordingly estimate was given. The complainant has accordingly deposited amount on 30/11/12. As per SOP a period of three months is provided for giving electric supply under such contingency, as per complainant. The learned representative of the N.A. has tried to submit that in such case period of one year is provided by way of SOP as per regulations, however he has not justified the same. On going through the provisions it is clear that period of one year is provided where commissioning of sub station is required. According to the learned representative of the N.A. transformer means sub station. Firstly as observed above it was not initial stand of the N.A. of requirement of transformer, on the contrary from the existing transformer the connection to the complainant was to be provided. Now in the reply for first time the plea has been raised that the said transformer from which connection was to be provided was over loaded. So apparently it is clear that during intervening period the connections have been provided to others whereby the said transformer became over loaded, now. In any case the definition of "sub station" under Section 2 (69) of

Electricity Act,2003 is clear and the N.A's submission that transformer means sub station does not appear to be correct. So apparently the period of 3 months is provided as SOP. The N.A. has failed to meet that SOP, consequently complainants grievance in that respect apart from providing electric connection appears to be genuine. The complainant is therefore entitled for appropriate relief on this count.

6 The complainant has also claimed Rs.1/-lakh towards losses suffered by him so also Rs.5000/- towards expenses, harassment etc. Suffice to say that nothing has been stated or made out as far claim about losses of Rs.1/-lakh. There is no iota of evidence in that regard. In any case such demand is too remote, hence the same cannot be granted. With regard to the prayer for cost fine etc. it is clear that the complainant has been required to pursue the matter with the authorities time and again, even by making correspondence and ultimately for approaching to the forum. So it will be just and proper to grant appropriate relief while passing the final order. The forum therefore proceeds to pass following order unanimously.

ORDER

1 The complaint No.109 of 2013 is hereby partly allowed. The N.A. is directed to provide electric connection to the complainant immediately in any case within the period of one month.

The N.A. is also liable to pay compensation of Rs.100/-per week from 1/3/2013 till providing of electric connection to the complainant.

- 2 The N.A. is also liable to pay Rs.500/- towards cost for the complaint.
- 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