

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

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

Dt.21/09/2015

Complaint No.16 / 2015

**In the matter of grievance pertaining to non providing of agricultural pump
connection, compensation, cost, etc.**

Quorum

Shri T.M.Mantri, Chairman

Shri D.M.Deshpande, Member

Shri. R.A. Ramteke ,Member-Secretary

Smt. Asha Rajesh Chopade	Complaint No.16/2015
R/o Mahan Ta:Barshitakli	Complainant
.....Vrs.....	

The Executive Engineer, MSEDCL..... (Rural) Akola	Respondent
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Appearances :

Complainant Representative : Shri Rajesh Chopade

Respondent Representative : Shri. A.D.Lahode, Dy. Exe. Engineer

1. The Complainant's grievance in substance is that in April 2010, she has submitted an application for agricultural pump connection. The N.A. issued quotation in February 2012 and the complainant has remitted payment on the same date itself. It is alleged as per the Regulation, connection ought to have been provided within a month and the N.A. has contravened the legal provision and inspite of making payment in February 2012, till date the connection is not provided. The complainant has alleged that even the N.A.

has provided connection to others who have submitted applications after April 2010, superceding the complainant, incorrectly and thereby caused injustice. Hence sought the relief of providing Electric connection within 15 days, compensation for delay in issuing of quotation and so also compensation for not providing connection in time apart from cost of Rs.500/- Alongwith the complaint, copies of documents came be filed including the Quotation and Payment Receipt etc.

2. Notice as per the Regulation was sent to the N.A. for submitting reply, however, no reply was filed on the given date and the matter was proceeded further. Lateron the N.A.'s representative has filed an application for admitting the reply alongwith the reply on record and copy of reply has already been delivered to the complainant. In view of the submissions of the N.A., the said application has been allowed and admitted on record. In substance N.A. in reply has admitted about giving of application by the Complainant for Electric connection on 21-4-2010 and it is stated that the then Jr.Engineer has prepared group of 3 Consumers i.e. Smt Parvatabai Mahadeo Kharat, Kasimkhan Subhan Khan and the complainant and sent proposal and estimate which was sanctioned by the Office vide Sanction No.571, dated 30-9-2010.

3. Further, it is stated that Smt. Kharat has remitted the amount of quotation in 2010 and accordingly in the year 2013, Electric Connection has been provided to her. It is further stated that it was necessary that all the applicants from the said group ought to have remitted the amount. Shri Khan has not remitted the amount as per the Quotation, whereas the Complainant has remitted the amount on 10-2-2012 as per the Quotation. A Test report was submitted on 12-3-2012.

4. It is stated that the work order for completing Electric Connection work for the consumers from the pending list of consumers till March 2012, was issued to M/s Nandan Electricals, Khamgaon. The Labour of the said Contractor has directly contacted Shri. Rajesh Chopade and started work of digging pits for new line from single phase Transformer. Within a short span of time, this has been noticed by Shri G.N.Bhange, Technician and he has stopped the said work, asking the Labours to take work of erection of connection from Kharat 3 Phase Transformer and submitted survey report accordingly. However, Shri Rajesh Chopade has insisted for providing of connection from Single DP and he has opposed from providing connection from 3 phase DP, resulting in taking of Electric Poles back by the persons of the Contractor. It is stated that from Single phase, it is not possible to provide agricultural pump connection.

5. The complaint has been lodged with the Police Station, Barshitakli against Shri. Rajesh Chopade on 25-5-2015, sought help of the Police for erecting the electric line. Even in presence of Asstt. Sub-Inspector & Police Shipai, Shri Rajesh Chopade has created obstruction on the ground of providing connection from single phase DP. Though the concerned Officer of the N.A. tried to persuade Shri Chopade, he did not agree for providing connection from 3 Phase DP, resulting in stopping of work in presence of Police also. Even the son of the complainant has obstructed in erection of electric line. The Complainant approached the IGRC and as per Order, the Assistant Engineer and the Jr. Engineer have attempted to convince the complainant / Shri Rajesh Chopade on 28-8-2015, that time also he has insisted for providing electric connection from the Single phase only and not from 3 Phase DP. It is stated that the complainant's connection is sanctioned from Kharat 3 Phase DP and N.A is ready to provide the same even today. The

N.A. has also filed certain documents with the reply. According to the N.A. it is the complainant's relatives have obstructed /objected for providing electric connection, hence the complaint has no merits.

6. Heard Shri. Rajesh Chopade, husband of the complainant, who has been authorized by the complainant and Shri A.D.Lahode, Dy.Executive Engineer, the Learned Representative of the N.A. During the course of submission, this Forum thought it proper in calling upon VR Sheet with sketch, Revised estimate Quotation etc from all the concerned. Arguments were heard. On going through the submission, application for new agricultural Pump connection by the complainant on 21-4-2010 is undisputed. Defense of the N.A. is that for group of 3 consumers, estimate was prepared and the same was sanctioned on 30-3-2010, whereas the documents filed by the N.A. itself clearly shows that in fact this was not correct position. On the contrary, the documents filed by the N.A. itself shows that the sanctioned estimate No. of Smt. Parvatabai Kharat was 8861 dated 2-12-2009 but at the same time, remark thereon is material which is as under:-

“ connection should be released after commissioning of sant TF”

Whereas the sanction estimate of the complainant is No.571 of 30th Sept.2010, and the remark therein is also material which reads as under:

“ connection should be released after commissioning of sant TF.” --
Already sanctioned vide NO.EE/AKL/R/T/AGBL/8661 dated 2-12-2009.”

7. So from the documents filed on the record, it is clear that sanctioned estimate was on the basis of providing electric connection from sanctioned TF from which Smt. Parvatabai Kharat was to be provided with Electric Connection. The remarks as mentioned above in the sanctioned estimate of the complainant, clearly mentions about release of the connection after

commissioning of the sanctioned TF of Smt. Parvatabai Kharat. So one thing is clear that complainant's sanction was from the Transformer from which Smt. Parvatabi Kharat was to be provided with electric connection.

8. The complainant's grievance is also pertaining to delay in issuing quotation. He has filed on record the receipt of Rs.5500/- dated 10-2-2012 with specific averment that on the date of giving quotation by the N.A. the payment was remitted. So on 10-2-2012, according to the complainant, the quotation was given. This has not been controverted from the side of the N.A. in reply as well as during the course of argument. But this has been admitted in reply that on 10-2-2012, the amount was remitted by the Complainant. As per the reply of N.A. the connection has been provided to Smt.Parvatabai Kharat in the year 2013, no exact details thereof have been given in reply as well as during the course of argument but from the record, it is clear that after remission of the amount by the Complainant on 10-2-2012, connection has been provided to Smt.Kharat in 2013, after more than a year.

9. The complainant's version of not issuing him Quotation in time, being practically admitted by the N.A., it is clear that there was contravention of the Statutory Provisions prescribed under the Act. Consequently, the liability for the payment of compensation of the N.A. arises under MERC (Standards of Performance of Distribution Licensee, Period for giving supply and Determination of compensation) Regulation, 2005. In Appendix-A levels of compensation payable to the consumer upon failure to meet the standards of performance by the Licensee, are provided. Under the said Appendix Clause-1(ii) is relevant and attracted in the present matter. On that basis Rs.100/- per week compensation is payable for the delay caused. So apparently when the

complainant has submitted application for agricultural pump connection on 21-4-2010, maximum within a month, quotation ought to have been issued, however, the quotation was issued on 10-2-2012, that means clearly there is delay of about 22 months' period. Admittedly, the Complainant has remitted the amount on the same day on receipt of the Quotation i.e. 10-2-2012. In view of such delay apparently there is failure to meet the performance on the part of N.A. Consequently, it is liable for compensation as provided under the said Regulation, 2005 for delay of about 84 weeks.

10. With regard to the delay in providing connection, the N.A. has provided connection to Smt. Parvatabai Kharat in the year 2013, as per the same sanctioned estimate, the complainant also ought to have been provided connection. As per the reply of the N.A. one Kasimkhan Subhankhan, has not remitted the amount of quotation. The complainant has filed on record acknowledgement and submission of application being 3 phase connection on 9-11-2010 of said Shri Karimkhan Subhankhan. Nothing has been submitted in this regard from the side of the N.A. So from the said acknowledgement which bears application No.481 of said Shri Kasimkhan Subhankhan is dated 9-11-2010, there could not have been any reason or base for sanction of estimate when the said Kasimkhan Subhankhan on 30-9-2010 has submitted in Para-1 of the reply of the N.A. On that date, even the said Shri Kasimkhan has not submitted application for electric connection and as per the acknowledgement his application for connection is dated 9-11-2010 vide Sr.NO.481. It is thus clear that the defense of the N.A. in that regard is not correct.

11. In any case much before providing of Electric connection to Smt Parvatabai Kharat, the Complainant has remitted the amount though there was delay in issuing quotation to him. Had the quotation been given to the

Complainant in time, he could have deposited the amount immediately and could have been provided with the connection with Smt. Parvatabai Kharat or immediately thereafter. So apparently there is some delay in providing connection to the complainant. The record clearly reveals that the N.A. has not pleaded the facts clearly in reply by making reference of estimate for group of consumers whereas the fact is that the complainant's connection is related with that of Kharat DP the "remarks" on the estimates clearly show that the connections are interlinked.

12. As per the reply of the N.A. on 30-4-2015, the work of digging pits as per the say of Shri. Rajesh Chopade has been commenced by the labours of the Contractor and dispute started thereafter as far as providing of electric connection is concerned. The complainant is insisting for providing of electric connection from single Phase DP, whereas according to the N.A. it was to be provided from Kharat 3 Phase DP. The record clearly shows that attempt has been made from the side of the N.A. for providing connection from Kharat 3 Phase DP but it is the complainant who has obstructed and even refused through the husband Shri. Rajesh Chopade. During the course of submissions, Shri. Rajesh Chopade has admitted this even when the intervention of Police, this grievance cannot be resolved. Shri. Chopade is adamant for providing connection from Single phase DP. On making query from Shri. Chopade, whether the Complainant is required to incur additional expenses for carrying connection from Kharat 3 Phase DP or whether any demand for that, has been made from the N.A., his answer was in the negative. According to him, 3 phase electric connection supply is provided for restricted period, whereas connection on Single Phase DP atleast one bulb can be under use for all the time. The defense raised by the N.A. for not providing agricultural pump connection from Single phase DP, it has been admitted all single phase

connections are now shifted on 3 Phase connection. Consequently, this Forum thinks it proper that the complainant must consider getting of electric connection, when the N.A. is ready to provide connection, insistence for connection from the Single Phase DP cannot be said to be just and reasonable. So the record clearly shows that atleast since April 2015, it is the complainant's representative, who is obstructing in providing of electric connection. The Learned Representative of the N.A. has submitted that the connection will be provided immediately, if the complainant co-operates, though the contractor is reluctant to the work, in view of taking material to the spot and bring it back due to the obstruction created on behalf of the complainant. Getting of electric connection should be given priority and not insistence of providing connection from particular DP. This Forum thinks it proper in observing that the Complainant to co-operate to the N.A. for providing the electric connection as early as possible and as submitted by the representative of the N.A. this work will be completed immediately.

13. As already observed above, the liability of monetary compensation on account of delay in providing estimate is on account of laches or negligence on the part of the concerned staff of the concerned office of the N.A. and it is for the N.A. to recover those losses from the erring employees apart from administrative action. With such observations, the Forum proceeds to pass the following unanimous order:

ORDER

1. The complaint No.16 /2015 is hereby partly allowed. The N.A. to provide Electric connection to the complainant from Kharat 3 Phase DP immediately and the Complainant, her relative to co-operate to

the N.A. in providing electric connection and not to create any obstructions therein.

2. The N.A. is liable to pay Rs.8400/- by way of compensation in view of failure to meet the standards of performance for causing delay in issuing quotation to the complainant as per the MERC Regulation – 2005.
3. The N.A. to undertake steps for recovery of monetary liability from the erring employees on account of laches / negligence on their part resulting in imposing monetary liability, apart from taking administrative action.
4. The compliance report to be submitted within a month from the date of this order.

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

Sd/
(D.M.Deshpande)
Member

Sd/-
(T.M.Mantri)
Chairman

Contact details of Electricity Ombudsman appointed by MERC(CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.

Phone : 0712-2596670

No.CGRF / AMZ/ Akola/

Dt. /09/2015

To
The Nodal Officer/Executive Engineer,
(Rural) MSEDCL,
Akola

The order passed on 21-09-2015 in the Complaint No. 16/2015, is enclosed herewith for further compliance and necessary action.

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

Copy to:

Smt Asha Rajesh Chopade, R/o Mahan, Ta : Barshitakli Dist: Akola for n. a.

Copy fwc to:

The Superintending Engineer, O & M Circle, Akola for information.