

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

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

Dt- 25/11/2013

Complaint No.86/2013

In the matter of grievance of Non providing of electric connection for long time.

Quorum :

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| Shri T.M.Mantri, | Chairman |
| Shri P.B.Pawar, | Secretary |

Smt.Tarabai Madhukar Dahake,Amravati Complainant

...VS...

The Executive Engineer, MSEDCL, Rural Dn. Akola. ... Respondent

Appearances:

Complainant Representative:Pramod Narayan Khandagale

Respondent Representative:Mr.N.G.Babhulkar, J.E.(R)Dn. Akola, MSEDCL Akola

1. The complainant has approached this forum in respect of her grievance about non-providing of electric connection for sufficient long time. The complainant s case in brief is that for Ag. electric connection an application in prescribed form was submitted on 27/2/2004 for which demand note of Rs.6400/- was received on 22.6.2004 . The said amount was deposited on 26/6/2004 as per receipt No.3189579 . So also test report was submitted. Inspite thereof though complainant had approached time and again, inspite of providing connection, additional amount of Rs.1440/- has been got deposited from complainant on 25/5/2012. Even thereafter no connection has been

provided and complainant has been sent back on one or the other pretext, compelling the complainant to approach MERC by application of 37/2013 wherein the said authority directed N.A.licensee to provide electric connection to the complainant immediately with further direction that the complainant to approach Consumer Grievance Redressal Forum for the claim of compensation, as per provisions.

2. Accordingly the complainant has approached IGRC on 28/6/13. The complainant has received letter of hearing on 06/08/2013 whereas the hearing was fixed on 07/08/2013. The complainant has sent her son Santosh Dahake, with application for time for hearing. In the meantime on 17/08/2013 N.A. has provided connection to the complainant. As IGRC has not passed order in the period of two months the complainant has to approach this Forum seeking relief of compensation on account of failure to provide electric connection in the prescribed time @ Rs.100/-per week so also claimed imposing of fine of Rs.1000/- per day from officers/employees who are responsible for the delay so also claimed losses on account of non-providing of electric connection resulting in non-production of Ag. yields alongwith other suitable relief. Alongwith complaint copies of documents came to be filed.

3. As per regulations notice was issued to the concerned office of the N.A.licensee for submitting reply to the complaint. Accordingly reply came to be filed admitting submission of application for connection on 27/2/2004 , sanction made by E.E.(R) Akola vide order dt. 18/6/2004 under new SPAPE scheme. Issuing of demand note for Rs.6400/- and remittance of said amount by complainant have been admitted.

4. It is stated that the work of infra and Ag. pump connection are carried out on turn key basis and work has been allotted to M/s Deep Electricals Akola. The work of execution of LT line was completed on 20/2/2013 by the said contractor. It is stated that the test report submitted in June 2004 by the complainant was not fully filled in and on inspection it was found that installation is not ready, hence the complainants representative was informed about the same, asking to submit test report after completion of the installation, fully. The test report dt. 26/06/2004 was cancelled.

5 It is stated that accordingly complainant has submitted test report on 02/05/2012 which was accepted by Sub Dn. on 08/05/2012. It was also informed by the representative of the complainant during the period that there is no water availability on the site. There was no installation on 27/06/2003 as per report of the concerned Lineman. The line was released on the site on 17/07/2013. The Hon.ble MERC in order of 37/2013 not issued any order for payment of compensation and ordered to release connection expeditiously. It has submitted so, before IGRC, by letter dt. 01/08/13 stating the connection is released on 17/7/13 and as per MERC Regulations 2006 , section 67(D) no grievance exists, no compensation to be given and disposal of the grievance, being repeated in nature. It is further stated that the date of connection is 17/7/13 and the complainant has approached on 27/9/13 hence the same needs to be rejected. No claim for compensation be considered and reliance has been placed on documents annexed with the reply.

6 The matter was then posted for arguments. On behalf of complainants additional submissions have been filed, copy of which is given to the other side. Heard Mr. Khandagale, the learned representative for the complainant

and Mr.Babhulkar, J.E. the learned representative for the N.A.licensee in the above case.

7 Undisputedly the complainant had submitted an application on 27.02.2004, as per demand note amount of Rs.6400/- has been deposited on 26/06/2004. It is clear from the record that the complainant was pursuing the matter but nothing was done. However further demand note dated 02/05/2012 has been issued to the complainant for Rs. 1400/- towards “additional S.C.charges”. Undisputedly complainant has also deposited this amount of Rs.1400/-. Except giving of subsequent demand note of Rs.1400/- in 2012, there was no communication from the side of the N.A.licensee during this long period. Even after payment of amount of additional S.C.charges nothing was done, so the complainant had to approach MERC vide case No.37/2013 claiming various reliefs including that of providing of connection. Hon.ble MERC has passed order dt. 12/06/2013 directing the N.A. to expeditiously release the connection. It has been further observed therein with regards to the claim of the compensation of the complainant to approach the opponent and if it does not accept the claim, then remedy is to approach CGRF as per provisions.

8 It is pertinent to note that the complainant approached IGRC on or about 28/06/2013. The matter was kept for hearing on 07/08/2013 intimation of which was received by the complainant on 06/08/2013. It is clear from the record that after approach to the IGRC the N.A. has provided connection on 17/07/2013. In the complaint said date is mentioned as “17/08/2013” however during the course of arguments the learned representative of the complainant has submitted that it was typographical error and “instead of

17/07/2013 the date is mentioned as 17/08/2013” This is even as per the N.A.s stand as well as documents filed on record i.e. S.C. report. It is pertinent to note that in the S.C. report in-front of column(d) the date of sanction is mentioned as 18/06/2004. Not only this much even it is mentioned the dates of depositing of the amount of 26/06/2004 and 02/05/2012.

9 That in MERC (Standard of Performance of distribution licensee, period for getting supply and determination of compensation)Regulations 2005, in Appendix A SOP has been categorically mentioned so also compensation payable upon failure to meet those SOP by the licensee. In the said Appendix under Item No. 1(iii) the time period for supply of the connection is mentioned. At this stage it will be just and proper to consider the submission made on behalf of the complainant that in the year 2004 the S.C. charges were Rs.1400/- and it was rightly admitted as per the above demand note. The complainant immediately remitted the amount. In the year 2012 the said S.C. charges have been enhanced to Rs. 2500/-. Had the concerned office of the N.A.licensee taken steps immediately in 2004 after depositing of the amount, there could not have been question of demanding additional S.C. charges per demand note of 02/05/2012. Those S.C. charges in 2012 were Rs.2500/- and according to the complainant now it has been further enhanced. This submission made on behalf of the complainant has not been contraverted from the side of the N.A. Admittedly additional S.C. as per second demand note has been also deposited by the complainant. It is pertinent to note that even thereafter nothing was done and the complainant had to approach the MERC vide case No.37/2013. The N.A. licensee chosen to remain absent before the said authority and as referred to above, direction was given to

provide connection expeditiously vide order dt. 12/06/2013. As is clear from record even after such order by MERC, the connection has been provided on 17/07/2013.

10 From the side of the N.A. it has been averred in reply that Hon.ble MERC has not issued any orders of payment of compensation and ordered to release the connection 'expeditiously' while disposing off the said complaint. It has been tried to aver that the complaint/grievance is of repeated nature and no loss occurred, hence no compensation be paid. Vaguely plea of limitation also has been raised. Here it is further to be noted that in reply more particularly para no.7 it has been stated on behalf of the N.A.licensee that the test report submitted by the complainant in June 2004 was not fully filled in and on inspection representative was told to submit Test Report and the T.R. dt. 26/6/2004 was cancelled. Except this bear statement there is nothing on record to substantiate the same. According to the N.A. Test Report was submitted on 2/5/12 and it was accepted. The complainant has disputed about submission of test report from her side on 2/5/12, on the contrary her submission all through out was that in June 2004 itself the test report was submitted. If as per plea raised in defense of the N.A. the said test report submitted by complainant in June,2004 was not "fully filled in" and it was cancelled. Whether the concerned office of the N.A. had issued any written communication or given any notice in writing for submitting correct test report to the complainant. The answer is in negative. Even during the course of arguments, when query was made with the learned representative of the N.A.licensee as to what steps it has taken for period of eight years the answer was "nothing was done". The signature of the complainant on the original

application for connection, on the grievance/complaint, is in Marathi, whereas the documents filed by the N.A. at Sr.No."1/18" with reply bear signature in English. The learned representative of the complainant has disputed the same. In the like manner it has been pointed out by the learned representative of the complainant that there is variance in test certificate of capacitors filed by the N.A. with reply at Sr.No.s1/6 and 1/12. He has pointed out differences in the details under these two certificates in One Sr. No. is shown as A/1310 whereas in the subsequent report the Sr.No.is 1238. Likewise there are variance in other details such as rated output 1KVA, rated current amps., rated capacitance etc. From the side of N.A.licensee no justifiable and convincing submission is made to the arguments advanced from the side of the complainant.

11 In any case Regulation 2005 as referred to above cast obligation on the N.A. so as to meet the standard of performance prescribed and if there is delay then liability is also fixed. It is for the concerned office of the N.A.licensee to explain and justify such inordinate delay. The absence of the N.A. and non submission of reply before MERC speaks a lot. Even after order of MERC the connection has been provided after a period of about five weeks, though direction was for "providing connection expeditiously". So it is clear that all throughout there is lethargic attitude. The enhanced service connection charges was demanded and recovered in 2012 but nothing was done thereafter. The record clearly shows that complainant has made attempts for getting connection, however there is no response from the side of the concerned office of the N.A. On the contrary un-tenable plea has been raised that the complaint is of repeated nature and barred by time. It could not

justify these stands. At the same time the submission made on behalf of the N.A. that MERC has disposed of the complaint without making any order in respect of compensation is totally incorrect. As already observed above while giving direction to provide connection to the complainant expeditiously the Hon.ble MERC has observed that complainant will have to claim compensation before appropriate authority including opponent and thereafter CGRF, as per provisions under Regulation. So the stand and submission made on behalf of the N.A. in that respect is totally incorrect.

12 As already observed above the above referred regulation 2005 has not only prescribed standard of performance but as also provided compensation upon failure to meet the SOP. It is clear from record that on 26/06/2004 the complainant has fulfilled her part of application as per clause 1(iii) the period of three months is prescribed for performance of standard, that has not been fulfilled, consequently liability of payment of compensation arises. Needless to say that it is because of the lethargic/negligent attitude on the part of concerned officer/employee of the concerned office of the N.A.licensee, this liability of payment of compensation arises and it is provided in Regulation that it is Rs.100/-per week for delay. So by excluding the period of performance, such liability comes from 1st Oct.2004

13 The complainant has also asked for losses on account of non getting of the Ag. yields for want of connection and Rs.1000/-per day fine against the responsible officer/employee for such delay. Suffice to say that the claim for losses for Ag. income is too remote and such claim cannot be entertained under the provisions by this Forum, as claim for compensation payable under regulation on account of failure to meet SOP is being granted in terms of

above. The complainants claim for imposing fine of Rs.1000/- per day against officer/employee does not appear to be correct. Here it needs to be mentioned that as per ruling of the Hon.ble Supreme Court in the matter of Mr. M.K.Gupta and Lukhnow Development Authority for the latches/negligence/lethargic attitude of the concerned officer/employee of the office of the N.A.licensee, the same should be recovered from them. The N.A.licensee is required to face such situation because of their action hence as per ruling of the Supreme Court, which has been even followed by Hon.ble Ombudsman in various matters. The N.A.licensee to take appropriate steps against concerned. With such observations this Forum proceeds to pass following unanimous order.

ORDER

- 1 The complaint No.86/2013 filed by the complainant is hereby partly allowed. The complainant is entitled for compensation @Rs.100/-per week from 01/10/2004 till 17/07/2013 (date of connection) as per MERC (Standard of performance of distribution licensee, period for getting supply and determination of compensation)Regulation 2005 and the said amount be adjusted in the forthcoming electric bills payable by the complainant.
- 2 The N.A.licensee to recover these monetary liability against it in pursuance to this order from the concerned officer/staff of the coconcerned office of the N.A.licensee as per judgement of the Hon.ble Supreme Court in the matter of M.K.Gupta versus Lukhnow Development

Authority/reported in 1994 S.C.C. (i) Pages 243 as well as ordered by Hon.ble Electricity Ombudsman.

- 3 In the circumstances parties to bear their own cost.
- 4 Compliance report to be submitted within one month from this order.

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| S/d | S/d | S/d |
| (A.S.Gade) | (P.B.Pawar) | (T.M.Mantri) |
| Member | Secretary | Chariman |