

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

*" Vidyut Bhavan"*  
Ratanlal Plots,  
Akola : 444001  
Tel No.2434476

Dt.15/03/2014

**Complaint NO.01 to 07, 8 to 18 & 19 to 29 / 2014**

In the matter of grievance of contravention of regulations & not providing electricity supply etc. .

Quorum :

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

Vinod Manohar Dandade, Tq. Barshitakli.	..... Complainant in complaint No. <b>01/2014</b>
Ashish Rameshwar Anasane, At Sukli Devdi.	..... Complainant in complaint No. <b>02/2014</b>
Rameshwar Narayan Thakre, Tq. Balapur.	..... Complainant in complaint No. <b>03/2014</b>
Shrikrushna Parashram Jirafe, Borgaon Manju.	..... Complainant in complaint No. <b>04/2014</b>
Rajendra Madhukar Jhatale, Donwada.	..... Complainant in complaint No. <b>05/2014</b>
Balasaheb Vasudenrao Lodam, Murtizapur.	..... Complainant in complaint No. <b>06/2014</b>
Machindra Khandekar, Donwada.	..... Complainant in complaint No. <b>07/2014</b>
Waman Sukharam Khumkar, Tq. Telhara.	..... Complainant in complaint No. <b>08/2014</b>
Malubai Kishnarao Kale, , Tq. Balapur.	..... Complainant in complaint No. <b>09/2014</b>
Bhagwan Shaligram Patod, , Tq. Balapur	..... Complainant in complaint No. <b>10/2014</b>
Murlidhar Motiram Kale, Tq. Balapur	..... Complainant in complaint No. <b>11/2014</b>
Vilasgiri Ganeshgiri Gosawi, Tq. Balapur.	..... Complainant in complaint No. <b>12/2014</b>
Panjaji Ganpat Mesare, Tq. Balapur.	..... Complainant in complaint No. <b>13/2014</b>
Rajkanya Vishwasrao Gosawi, Tq. Balapur	..... Complainant in complaint No. <b>14/2014</b>
Shri Manihar SukhdevKadle, Balapur.	..... Complainant in complaint No. <b>15/2014</b>
Ashok Undaraji Sarode, Tq. Murtizapur.	..... Complainant in complaint No. <b>16/2014</b>
Sau. Suman Ramdas Khode, Akola.	..... Complainant in complaint No. <b>17/2014</b>
Vijay Dayaram Pore, At- Akruti nagar, Mulkapur	..... Complainant in complaint No. <b>18/2014</b>
Bhaskarrao Gyandevrao Dhonde, Murtizapur.	..... Complainant in complaint No. <b>19/2014</b>
Sanjay Jagdev Jadhav, Murtizapur.	..... Complainant in complaint No. <b>20/2014</b>
Gajanan Narayan More, Murtizapur.	..... Complainant in complaint No. <b>21/2014</b>
Devendre Narayan More, Murtizapur.	..... Complainant in complaint No. <b>22/2014</b>
Pundalik Ramji Sarode, Murtizapur	..... Complainant in complaint No. <b>23/2014</b>
Vitthal Tulsiram Bonde, Murtizapur.	..... Complainant in complaint No. <b>24/2014</b>
Satish Avadrut SarodeTq, Murtizapur.	..... Complainant in complaint No. <b>25/2014</b>
Arunrao Vishnuji Wakode, . Murtizapur.	..... Complainant in complaint No. <b>26/2014</b>
Pramod Wamanrao Sarode, Murtizapur.	..... Complainant in complaint No. <b>27/2014</b>
Gopalrao Ramchandra Khandekar, Mitizapur.	..... Complainant in complaint No. <b>28/2014</b>
Panjabrao Rajaram Thakre, Murtizapur.	..... Complainant in complaint No. <b>29/2014</b>

vrs....

The Executive Engineer ( R ) Akola

..... Respondent

**Appearances :**

Complainant Representative : Shri D.M.Deshpande.

Respondent Representative : Shri Rathaur, A.E.Akola (R.) Dn. With  
Shri. Lahane, ALO, Akola.

1. In this group of complaints the grievance being the same and similar nature, so also identical reply has been filed on behalf of the N.A., therefore, as per the submissions made on behalf of both the parties, matters have been taken together for decision and are being decided by this common order.
2. The Complainants' grievance is that inspite of applications for agriculture pump connection and inspite of making payment of amount as per the demand quotation given by the N.A., the N.A has failed in taking compliances as per regulations further steps/thereby contravened the regulation more particularly MERC ("Standards of Performance, Distribution of Licensee, Period for the Supply and Determination of Compensation) Regulation 2005. That grievance has also been made about collecting of excess amount contrary to the Rules towards Deposit as well as Service Connection Charges. Hence, claimed relief for providing connection, refund of excess amount than the Rules, compensation and damages on account of losses of crop, alongwith cost. In order to have clear picture of each of the Complainant, details are given in the tabular form:

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1	2	4	6	7	8	9	
Sr. No.	Complaint No.	Name Of Complainant	Dt of Application with HP	F/Q Issue Dt.	Dt of Payment/Charges by complainant	S.C.C	S.D
1	01/2014	Vinod Manohar Dandade, Tq. Barshitakli.	04.06.10 3 HP	25.03.11	28.03.11	2500/-	3000/-

2	02/2014	Ashish Rameshwar Anasane, At Sukli (Nandapur) Devdi.	15.03.12 5 HP	31.03.12	02.05.12	2500/-	5000/-
3	03/2014	Rameshwar Narayan Thakre, Tq. Balapur.	Jul-12 5 HP	18.07.12	19.07.12	2500/-	5000/-
4	04/2014	Shrikrushna Parashram Jirafe, Borgaon Manju.	05.12.12 5 HP	Not Issued	—	—	—
5	05/2014	Rajendra Madhukar Jhatale, Donwada	28.09.11 5 HP	30.12.11	06.03.12	2500/-	5000/-
6	06/2014	Balasaheb Vasudenrao Lodam, Murtizapur.	21.01.13 5 HP	08.02.13	11.02.13	3500/-	2500/-
7	07/2014	Machindra Khandekar, Donwada.	28.09.11 7.5 HP	06.02.12	09.02.12	3500/-	7500/-
8	08/2014	Waman Sukharam Khumkar, Tq. Telhara, Dist. Akola.	19.10.11 7.5HP	15.03.12	30.03.12	2500/-	9000/-
9	09/2014	Malubai Kishnarao Kale, Tq. Balapur, Dist. Akola.	No Date Given 5HP	29.02.12	04.04.12	2500/-	5000/-
10	10/2014	Bhagwan Shaligram Patod, , Tq. Balapur, Dist. Akola.	02.02.13 5HP	04.04.13	14.05.13	3500/-	5000/-
11	11/2014	Murlidhar Motiram Kale, Tq. Balapur, Dist. Akola.	No Date Given 5HP	02.01.13	02.01.13	3500/-	5000/-
12	12/2014	Vilasgiri Ganeshgiri Gosawi, Tq. Balapur, Dist Akola.	15.12.11 5HP	04.02.12	09.02.12	2500/-	5000/-
13	13/2014	Punjaji Ganpat Mesare, Tq. Balapur, Dist.- Akola.	No Date Given 7.5HP	01.06.12	04.06.12	2500/-	7500/-
14	14/2014	Rajkanya Wishwasrao Sarode, Tq. Murtizapur, Dist.- Akola.	10.04.13 7.5HP	08.08.13	19.08.13	3500/-	7500/-
15	15/2014	Shri. Manohar Sukhdev Kale, Tq. Balapur, Dist.- Akola.	No Date Given 5HP	30.05.12	14.08.12	2500/-	5000/-
16	16/2014	Ashok Undaraji Sarode, Tq. Murtizapur, Dist. Akola	15.03.13 3HP	26.03.13	29.03.13	3500/-	3000/-
17	17/2014	Sau. Suman Ramdas Khode, Gokul Colony, Akola	25.04.12 5HP	26.07.12	26.07.12	2500/-	5000/-

18	18/2014	Vijay Dayaram Pore, At- Akruti nagar, Mulkapur, Akola.	No Details Given 5HP	30.05.12	01.06.12	2500/-	5000/-
19	19/2014	Bhaskarrao Gyandevrao Dhonde, Murtizapur, Dist Akola.	19.03.13 5 Hp	03.06.13	12.06.13	3500/-	5000/-
20	20/2014	Sanjay Jagdev Jadhav, Tq, Murtizapur, Dist Akola.	19.03.12 —	F/Q not issued	—	—	—
21	21/2014	Gajanan Narayan More, Tq, Murtizapur, Dist Akola.	11.04.13 5 Hp	08.08.13	07.09.13	3500/-	5000/-
22	22/2014	Devendre Narayan More, Tq, Murtizapur, Dist Akola.	Mar.13 5 Hp	No details given	19.08.13	3500/-	5000/-
23	23/2014	Pundalik Ramji Sarode, Tq, Murtizapur, Dist Akola.	19.03.13 5 Hp	19.08.13	19.08.13	3500/-	5000/-
24	24/2014	Vitthal Tulsiram Bonde, Tq, Murtizapur, Dist Akola.	19.03.13 3 Hp	04.10.13	23.12.13	3500/-	3000/-
25	25/2014	Satish Avadrut Sarode, Tq, Murtizapur, Dist Akola.	20.03.13 5 Hp	Aug.13	26.08.13	3500/-	5000/-
26	26/2014	Arurao Vishnuji Wakode, Tq. Murtizapur, Dist. Akola.	20.04.12 5 Hp	Mar.13	18.03.13	3500/-	2500/-
27	27/2014	Pramod Wamanrao Sarode, Tq, Murtizapur, Dist Akola.	No Date given 5 Hp	No Date Given	19.08.13	3500/-	5000/-
28	28/2014	Gopalrao Ramchandra Khandekar, , Tq Murtizapur, Dist. Akola.	07.08.12 3 Hp	Sep. 13	17.09.13	3500/-	3000/-
29	29/2014	Panjabrao Rajaram Thakre, Tq, Murtizapur, Dist Akola.	15.03.13 5 Hp	10.05.13	12.06.13	3500/-	5000/-

3. Alongwith with the complaints copies of the acknowledgement of N.A. after receipt of applications, firm quotations, money receipts about payments made, etc have been annexed by the concerned complainants.
4. As per the regulation, notice was issued to the N.A. for submitting parawise reply to the Complaint. The reply came to be filed, belatedly, on behalf of the N.A. and it is same and identical reply in all matters, stating that the Complainants have made false representation in the complaint. The Complainants never approached before the IGRC and referred to MERC (CGRF & Electric Ombudsman) Regulation, 2006, submitting that Regulation 6 provides procedure for grievance redressal. Reference has been made to regulation 6 thereof and stated that as the Complainants have failed to approach the IRGC, the Complaints are not tenable. It is stated that the Forum has no jurisdiction and lastly pressed for dismissal of these complaints.
5. The matter was posted for argument. Heard Shri D.M.Deshpande, Learned Representative for the complainant and Shri Rathaur, A.E., Shri. Lahane, ALO, Learned Representative of N.A. Complainants also filed written notes of arguments alongwith copy of order of Electricity Ombudsman, Nagpur in Representation No.44 of 2012, copy thereof was given to the Learned Representative of NA. On behalf of N.A. neither any document has been filed nor written notes of argument in reply to the Complainants written notes. The Learned Representative has submitted that he is only making oral arguments.
6. As is clear from the record in the reply, N.A. has only raised the point about the jurisdiction of this forum and the tenability of the complaint. No reply to the allegations made in the Complaints on merits has been given. During the course of argument the Learned Representatives of N.A. advanced arguments about the tenability of the complaints, only.

7. According to Mr. Rathaur, Learned Representative of N.A. as the Complainant has not approached before the IGRC and directly approached to this Forum, therefore, the complaint is not tenable and liable to be dismissed. He has referred to the Regulation 6 of MERC (CGRF and Electricity Ombudsman) Regulation, 2006 and vehemently submitted that the complainants have directly approached this Forum without approaching the IGRC, hence the complaints are not tenable. He has submitted that if the Complainants approach to the IGRC, attempt will be made to resolve the grievance but direct approach to CGRF is not permissible.
8. The Learned Representative of the complainant has referred to the various provisions of the Electricity Acts as well as Regulation 2006, alongwith MERC (Standard of Performance, Distribution of Licensee, Period of Supply and Determination of Compensation) Regulation, 2005. He has also referred written notes of arguments, filed on record and submitted that the Electricity Ombudsman, Nagpur in representation No.44/2012, in Para-6. has considered the provisions, more particularly Regulation-6.2 of 2006. The Learned Representative of the Complainant has further submitted that the said representation was pertaining to the Office of the N.A and the Learned Representative the of N.A. who is making submission here was also representing the N.A. before the Electricity Ombudsman.
9. If one considers Section-42 of Electricity Act, more particularly Sub-Section 5 and 7 thereof, it is clear that they are pertaining to the establishment of Forum and Electricity Ombudsman. In the Electricity Act 2003, there is no reference/mention of IGRC. Even as per the Section 181 of Electricity Act 2003, there is no mention of making regulations pertaining to IGRC. In view thereof, there is substance in the submission made on behalf of the Complainant that it is optional and not mandatory to go to IGRC.

10. Here, one has to consider the Preamble, aims and object in making applicable these provisions, under the Electricity Act 2003, itself is with a view to protecting welfare and interest of the consumer. While going through Regulation 2006, more particularly Regulation 1.4, it has been laid down that these Regulation shall be construed harmoniously with the standards of performance of distribution Licensees. So also it is laid down in case of any inconsistency with these Regulations, the Standards of Performance of Distribution Licensee and the Electricity Supply Code shall prevail. So it is clear that the obligations / duties have been casted on the Licensee so also the Standards of Performance and Effects of failure to meet those standards of performance have been categorically laid down.

At this stage, Regulation 6 of Regulation 2006, if perused, it is clear that as far as Regulation 6.2 is concerned it says, “A Consumer with a grievance may intimate the Internal Grievance Redressal Cell.” So on plain reading the first thing is that is not obligatory / mandatory. Further more, the Proviso to the Regulation 6.2, further make the position clear that even grievance in writing is not mandatory so also the intimation given to the Officials of the Licensee, other than IGRC, shall be deemed to be the intimation for these Regulations. Proviso further clarifies that obligation is casted on the Officials of Licensee for forthcoming directing the consumer to IGR Cell. In view thereof without going to IGRC, the approach made to the Forum cannot be said to be the deformity of serious nature and it cannot be said that the Complaint is not tenable therefor. In any case, here in the present case, there is order of Electricity Ombudsman, dealing with this issue as referred to above and against the N.A. itself. So the same is applicable here also. Order in Representation 44/2012 is binding on N.A.

11. If one goes through the further provisions of Regulations of 2006, more particularly Regulation 6.4 and 6.5, it is clear that the period of Standard of

Performance given in Regulation is certainly of shorter period, in similar cases, so the Complainants cannot be asked to wait for the period as alleged on behalf of the N.A.

12. Further, it is to be noted that under the MERC (SOP of Distribution of Licensees, Period of giving supply and Determination of Compensation) Regulations, 2005 more particularly Regulation 12 deals with the “Determination of Compensation.” Regulation 12.1 and 12.2 of this Regulation deal with liability of compensation on the failure to meet Standard of Performance specified under the said Regulations either on its own knowledge or upon written claim filed by the affected person. It is thus clear that even in cases, where the Licensee has failed to meet the standard of Performance prescribed under the Regulations, on its own knowledge it shall be liable to pay compensation, and it will be a grievance.

13. Further Regulation 13 thereof deals with the “Information regarding Level of Performance” to be given by the Licensee and if the same is read alongwith the Section 57 and 59 of Electricity Act 2003, it is clear that the Standard of Performance fixed has given due importance in consequence upon the failure in payment of liability of compensation.

Proviso-5 of Regulation 13.1 further makes the position clear it has been laid down therein.....

“Provided also that the Distribution Licensee shall separately state the total number of cases where compensation has been paid by it without dispute and the total number of cases where compensation has been paid in compliance with the order and direction of Forum or Ombudsman, alongwith the total amount of compensation in each category.”



So it is apparently clear that on going through various provisions of Act and Regulations, Standards of Performance has been given top priority and clearly provides for compensation payable on account of failure to meet the Standards of Performance. All these provisions are in consonance with the pre-amble, aims and objects to protect welfare and interest of the consumer. In such background, raising of technical pleas like raised in the present proceeding instead of making attempt to resolve the difficulties/ grievance of the consumer, clearly shows that the concerned office of the N.A. is proceeding on too technicality. No doubt during the course of argument, the Learned Representative of N.A. has submitted that if the Complainants approach to IGRC, attempt will be made to resolve the grievance and thus insisted for resolving grievance before the IGRC only. The submission of the complainants that N.A. in the present cases (Nodal Officer) is the chairman of IGRC is not disputed from the side of N.A. This forum finds some substance in the submission of complainants that why N.A. is insisting for attempt to resolve the grievance before IGRC only. If reply the N.A. desired to consider and resolve the grievance then it could have taken steps in the meantime atleast. Nothing has been done but the N.A. is pressing for dismissal of the complaints, on technicality. The objection raised on behalf of the N.A. cannot be upheld for all the reasons mentioned above.

14. The learned Representative of the complainants has been submitted that even the N.A. is not entering Sr.No. of F-1 Register, estimate no. The N.A. is giving illegal connections by charging more amounts under Non DDF RC scheme, keeping other applications pending for connection, like present complainants. Apparently there is no approval of MERC for any such out of turn connection by charging more.
15. As already observed above, there is no reply to the Complainants' grievance on merit, in any manner, from the side of N.A. Thus averments

having not been denied deemed to be admitted as per settled legal position. Apparently, it is clear that the excess amount has been recovered towards Security Deposit at the rate of Rs.1000/- per HP instead of Rs.500/- as has been charged to complainants of Complaint no. 06 and 26 of 2014. Except the Complainant in complaint No.4 (Shrikrushna Jiraphe) and No. 20 (Sanjay Jadhav), all other complainants have made payment as per the Demand/Quotation of N.A. on the dates mentioned. The complainants No.4 and 20 have not even been given the Demand/Quotation. As per the Standards of Performance, maximum period of 30 days is provided for giving intimation of the charges. There is thus clear failure to meet the Standard of Performance by N.A. Whereas in other complaints, time period for providing supply is given as maximum of 3 months. That period has expired much before except in complaint No.24/14 (Vitthal Bonde) there by failure to meet the Standard of Performance by N.A. The Ld. Representative of the complaints has fairly submitted that complainants main concern is of getting electric connection and the complainants were not much keen to gain something however in view of the stand of the N.A., claiming awarding of compensation. This Forum thinks that the N.A. being Public undertaking has to keep reasonable attitude of resolving of grievance / complaint of its consumer instead of adopting rigid attitude and that to on too technicalities. This forum feels it just, reasonable and proper to award some reasonable amount by way of compensation i.e. Rs. 1000/- to each of the complainants. That the complaint no. 24/14 of Vittahl Bonde is premature as period of 3 months was not over, hence it is liable to be dismissed. In view of the failure on the part of N.A. to meet the standards of performance prescribed, under the regulations it is liable to pay compensation. The N.A. is also liable to provide electricity connection to the complainants of complaint nos. 1 to 3, 5 to 19, 21 to 23, 25 to 29 apart from the liability of

compensation. The N.A. to issue demand notes immediately to complainants in complaint no. 4 and 20:

16. The record clearly shows that the concerned Officer / staff of N.A. office has not acted diligently in meeting the standards of performance. In some cases mentioned above even not issued Demand Note etc. Consequently, the N.A. Licensee has to face monitory liability also. The licensee to recover that monitory liability from such erring Officer / Staff as per ruling of Ho'ble S.C.in the matter of M.K Gupta vrs Lucknow Development Authority in 1994 S.C.C.(i) page 243. With such observations, this Forum proceeds to pass following unanimous order :

### **ORDER**

1. That Complaints of Sr. No.-1 to 23, 25 to 29 of 2014 filed by the Complainants are hereby partly allowed. That the complaint no. 24/2014 (Shri. Vittal Tulsiram Jadhav) is hereby dismissed as premature one.
2. The N.A. is directed to issue Demand Note about charges to be paid by the Complainants in Complaint Nos.04 & 20/2014 immediately and further directed to pay the compensation of Rs 1000/- to each of the complainants on account of failure to meet the standard of performance as per regulations.
3. The N.A. is directed to provide electricity connection to the Complainants in complaints Nos. 1 to 3, 5 to 19, 21 to23 and 25 to 29 of 2014 herein and refund the excess amount of security deposit of the complainants except the complainants in complaint No. 06 & 26/ 2014, alongwith the compensation of Rs.1000/- to each of the complainants payable on account of failure to meet the standard of performance.

4. The N.A. is directed to take appropriate action against the erring Officer / staff for lapses on their part including recovery monitory liability as per the Judgment of Supreme Court in Case M.K Gupta vrs Lucknow Development Authority in 1994 S.C.C.(i) page 243.
5. That the Compliance report to be submitted within the period of one month from the date of this order.

Sd/-  
(A.S.Gade)  
Member

Sd/-  
(P.B.Pawar)  
Secretary

Sd/-  
(T.M.Mantri)  
Chairman