

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

*“ Vidyut Bhavan ”*

*Ratanlal Plots,*

*Akola : 444001*

*Tel No.2434476*

*Email Id; cgrfamravati@mahadiscom.in*

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**January 1, 2014**

**Complaint No.102 /2013**

In the matter of grievance of not providing Electricity, compensation etc.

**Quorum :**

Shri T.M.Mantri, Chairman

Shri A.S.Gade, Member

Shri P.B.Pawar, Secretary

Shri Balasaheb M. Pandhare, Anjangaon surji. .. Complainant

**...VS...**

The Executive Engineer MSEDCL Achalpur Camp .. Respondent

**Appearances :**

Complainant Representative : Shri Pravin B. Pandhare ,

Respondent Representative : Shri Pise, A.E. MSEDCL Anjangaon Surji

1. In the matter of grievance of not providing electric supply, compensation, etc., the complaint has approached this Forum making grievance for abnormal delay in providing electric supply. The complainants case in brief is that on 21<sup>st</sup> December 2010 he has submitted application for Ag. pump connection. As per demand not dt. 04/06/2011 the amount was deposit on 09/06/2011 however

inspite making approaches, the connection was not provided. The complainant has also made allegations of providing connection to others who submitted application later to the complainant. The complainant has also claimed compensation as per regulations, panel action against the concerned so also alleged that he has suffered Ag. loss of about Rs. 5/- lakhs because of inability to rip crops for want of electric connection. Alongwith complaint copies of documents case to filed.

**2.** Notice as per regulation was sent to the concerned office of the N.A. licensee for its reply to the complaint. On behalf of the N.A. time was sought and though matter was adjourned for submitting the reply even on adjourned date the reply was not filed. It came to be filed belatedly, wherein the facts are not disputed. It is stated that work order dated 16/08/2012 was issued to M/s Skipper Engineers, Akola having the name of complainant at Sr. No. 74 therein. It is stated that as per said agency their supervisor approached the consumer for execution of the line work and connection, however, because of standing crops, the work could not be carried out. It is stated that now the work is completed by the said agency and connection has been released to the complainant on 09/12/2013. Accordingly to N.A. demand of Ag. connection is very high and they are released as per availability of funds, material and as per seniority. According to the N.A. as the connection to the complaint is released, the complaint be dismissed. Certain copies of documents filed with the reply.

**3.** The matter was then posted for arguments. Heard Shri Pravin B. Pandhare, Son and representative of the complainant with Mr. Pise, A.E. the

learned representative of the N.A. Admittedly after filing of present complainant the N.A. has provided connection to the complainant on 09/12/13 and this has been admitted during course of arguments. The document in that respect is also on record wherein the complainant has specifically mentioned “ without prejudice and reserving his rights he has signed the same “

**4.** As already observed above the facts are not in dispute such as submission of application for connection on 21/12/10 by the complainant, the demand note dated 04/06/11 came to be issued to him for Rs. 7500/- and on 09/06/11 the complainant has deposited that amount, copy of receipt is on record. So also the report of the approved electrical contractor. So apparently there is delay in issuing of demand not itself. As per MERC (standard of performance of distribution licensee, period for giving supply and determination of compensation) Regulation 2005 liability of compensation payable to consumers upon failure to meet standard of performance by the licensee, are provided and in Appendix ‘A’ various activities, prescribed standard of compensation payable are specifically mentioned. As per item No. 1 of (ii) the said appendix deals with this aspect. As per the said provision 20 days period is prescribed in rural areas where the connection is form existing net work. As per the said regulations compensation of Rs. 100/- per week of delay is prescribed. The complainant is therefore entitled for compensation for delay in issuing demand note i.e. for the period 11/01/2011 to 04/06/11.

**5.** In the simiar manner there is delay in providing electric connection to the complainant. Admittedly amount was deposit as per demand note of

09/06/11. As per regulations referred to above 1 (iii) in Appendix A, provides period of three months for getting supply, so also the amount of compensation of Rs. 100/- per work for delay is providing. As per reply of the N.A. so also submissions made during course of arguments the work order dt. 16/08/12 was given to M/s Skipper Engineers, Akola. Nothing has been stated in replay for such delay in issuing work order. The complainant has categorically averred about approaches made by, him time and again for connection but to no effect. As per regulations, they are binding on the N.A., it is necessary for it to put-forth all the facts and circumstances. The N.A. has failed therein. Even it is pertinent to note that after issuing of the said work order dated 16/08/12 the connection was not provided to the complainant and he has approached this forum in second week of Nov 2013. After issuing of notice by this forum to the N.A. the connection was provided to the complainant on 09/12/13, when the matter was fixed before this Forum and on that date time was sought on behalf of the N.A. as referred to above. It is been vaguely stated in reply about alleged approach of said agency, Skipper Engineers, to the complainant, but because of standing of crops the work could not be carried out. Not details have been given and even nothing from the side of the said agency, is filed on record. The complainant has seriously dispute those averments. On the record, copy of application of the complainant is filed. It was received in the office of N.A. on 07/06/13. Similarly the complainants averments in complaint about approaches made time and again, the same have not been dispute in reply, so it is clear from record that there was

abnormal delay, that too, un explained. The complainant has asked for the details of the consumers to whom electric connection have been provided but the same have not been given to. The complainant has specifically averred in the complaint, so also during course of arguments that connections have been provided to others, who have submitted application for connection subsequent to submission of application by the complainant. Nothing has been stated from the side of N.A. in that respect. In fact best documentary evidence was available with it, in that respect. That has been suppressed by the N.A. and therefore this forum is inclined to draw strong adverse inference against it. It is thus clear that there is substance in the complainants' submission in that respect.

**6.** As already observed above the connection has been provided on 09/12/13, during pendency of the present proceeding. As per regulations referred to above period of three months is provided, consequently the complainant has completed the requisite formalities by 09/06/11, so the connection ought to have been released within period of three months as per standard of performance prescribed under regulation. The having not been achieved by the N.A. it is liable for compensation as per regulation i.e. Rs. 100/- per week of delay. On broader sense from 1<sup>st</sup> October 2011 till providing of connection i.e. 09/12/13. Here it needs to be mentioned that the delay in meeting with SOP prescribed under regulation, is patently because of lethargic and negligent attitude on the part of concerned officer/staff of the concerned office of the N.A. licensee. The monetary liability of compensation, being arrived in pursuance of this order, is the personal

liability of those erring employees. The N.A. licensee to take appropriate steps against such erring employees including that of recovery of the monetary liability, apart from other disciplinary action. Needless to say that the amount liable to be payable by N.A. to complainant, needs to be adjusted in the forthcoming bills of the complainant.

7. The complainant has claimed amount of Rs. 5/- lakhs towards the alleged losses of Ag. income for want of electric supply. Suffice to say that such claim is patently untenable and nothing has been brought on record in support thereof. In view of the order, the N.A. licensee to take appropriate steps laid down by Hon'ble Apex court in the matter of M.K. Gupta versus Lucknow Development Authority. With such observations this Forum proceeds to pass following unanimous order.

### **ORDER**

1. The complaint No. 102/2013 filed by the complainant is hereby partly allowed. The N.A. liable to pay compensation @Rs. 100/- per week delay in issuing demand note to the complainant from 11/01/11 to 04/06/11 i.e. 21 weeks amounting to Rs. 2100/- as per regulation 2005. The N.A. is also liable to pay compensation for delay in providing electric supply contrary to the regulation 2005 i.e. for the period 1<sup>st</sup> Oct 2011 to 09/12/2013 (105 weeks) @ Rs. 100/- per week amount to Rs. 10,500/-. Rest of the claim of the complainant for losses is rejected. The amount of

compensation payable in terms of this matter to be adjusted in the forthcoming bills of the complainant.

2. The N.A. licensee to take appropriate action against the erring officer/staff of the concerned office of the N.A. licensee including that of recovery monetary liability, apart from disciplinary action for negligent and lethargic attitude, as per ruling of the Hon'ble Supreme Court in Lucknow Development authority versus M.K. Gupta reported in 1994 S.S.C. (i) pages 243 as well as ordered by Hon'ble Electricity Ombudsman, Nagpur in Rep. 50/2011.
3. In the circumstances parties to bear their respective costs.
4. 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