

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

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

Dt.11/06/2014

Complaint NO. 74 / 2014

In the matter of grievance of harassment and delay in providing connection, non-refund of amount spent on infrastructure and compensation with cost & other reliefs etc

Quorum :

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

Pravin Gajanan Chavjan, Complainant

...VRS....

The Executive Engineer Mulkapur Dn. Respondent

Appearances :

Complainant Representative : Shri Ashish Subhash Chnadrana.

Respondent Representative : Shri A.R.Light, A.E. Malkapur.

1. The complaint herein has approached this Forum aggrieved by the order of IGRC, Buldana alleging that it is in violation of Regulation so also the Rules. In substance, complainant's case is that on 14.2.2012 he has applied for Electric Connection of 26 HP, none of the offices of the N.A. pointed out any deficiency in the application and estimate of Rs.52881/- came to be prepared but it was for 35

HP. Later on the said estimate was revised for Rs.2,59,560/- under non DDF CC & RF Scheme without any justification for such revision. The concerned officer of the N.A. has forwarded the said estimate to the higher officers for appropriate action and the complainant was shocked to know about such higher estimate and he has submitted application for shifting of existing meter vide letter dt.20.11.2012. No reply was received from the side of the N.A. either of application for new connection or for shifting of meter. Consequently the complainant approached IGRC on 25.11.2013. Immediately thereafter, the N.A. accorded approval to the applicant's application for shifting of meter on 10.12.2013 under DDF Scheme and issued Demand Note of Rs.385. The complainant has alleged that shifting of meter is not permissible, however, N.A. has acted contrary to the Regulation and practice. When the complainant made query, the Demand Note dt.13.12.2013 for Rs.34,481/- came to be issued wherein sanctioned load was as 26 HP and cost of estimate Rs.29270/-. In the said Demand Note an amount of Rs.8000 has been shown towards Service Connection Charges and Rs.381/- as Supervision charges at 1.3%, which is totally illegal. When the complainant pointed out about the same other estimate of the same date i.e. 13th December 2013 with same outward No.02800 came to be issued, wherein supervision charges of Rs.381 and Rs.8000/- have been deleted thereby Demand Note was for Rs.26204/- According to the complainant even the amount of Security Deposit of Rs.26000/-therein is excessive. However, in view of the requirement of the connection, the complainant paid the amount under the said quotation. According to the complainant, the connection was released as there was no requirement to be fulfilled from the side of the complainant.

2. The complainant has then referred to the order of IGRC Received vide letter dt.28th Jan.2014 and severely criticized the said order being contrary to the Regulation as well as Commercial Circular No.129 dt.1.12.2010, wherein observations are made about non payment of the Processing charges and necessary documents at the time of submission of application so also about not persuing the matter. The complainant has made allegations against the Chairman of IGRC and alleged that even he has acted contrary to the Rules and Regulation as well as Circular with a view to save the guilty officers who have committed mistake, intentionally, so as to harass the complainant. According to the complainant, even copy of the reply of the N.A. filed before the IGRC was not provided to the complainant and even in fact no hearing was taken place. The complainant has alleged that IGRC has failed to perform the duties as enumerated under the Regulation, so also Act of 2003, compelling the complainant to approach the Forum and sought reliefs as prayed for. Alongwith the complaint, copies of bunch of documents came to be filed.

3. Notice as per the Regulation was sent to the N.A. for submitting parawise comments to the complaint. However, no reply was filed, accordingly, but time was sought for submitting reply by letter dt.3.5.2014. The reply came to be filed belatedly, wherein it has been stated that the complainant submitted application for new Industrial connection of 26 HP and copy of the said application was annexed. It is further alleged that in was incomplete application without any required documents. However, it was forwarded to the concerned Officer of N.A. for necessary compliance, who has submitted estimate for 35 HP load, vide letter dt. 23.5.2012 but as the estimate was calculated on wrong policy, therefore, it was again forwarded to Jr. Engineer with letter dt.7.6.2012, The said officer has

again submitted the estimate under ARR non-DDF CC & RF Scheme with letter dt.8.6.2012. It is submitted that the application for shifting of existing meter by the complainant was without any required format and without any document, thereby confusion was created to the officers of the N.A. whether to act on the application for new connection or application for shifting of meter. It is stated that as per the request made by the complainant the officers of the Sub-Division has prepared estimate to avoid complaint of the complainant and the said estimate was submitted for sanction which was sanctioned vide order dt.13.12.2013 and quotation accordingly was issued to the complainant. It is stated that after completion of the formalities, new connection has been released on 7.1.2014 to the complainant. It is stated that at the time of feeding to NSC the concerned Jr.Engineer has wrongly fed and by typing mistake abnormal bill of Rs.2.25 crores came to be issued and lateron it was corrected and the bill of Rs.13,730/- was issued with letter dt.20.3.2014. Lastly submitted that compliant of the complainant needs to be rejected. Alongwith the reply, copies of some of the documents came to be filed.

4. In view of the request made on behalf of the N.A. on 26.5.2014, the matter was required to be adjourned. Heard Shri Ashish Chandarana, Learned Representative for the complainant and Shri A.R.Linghot, Assistant Engineer, Learned Representative for the N.A. at length.

5. On perusal of the available material on record, it is apparently clear that the Complainant herein seems to have been harassed by one or the other mode by the concerned officers of the N.A. During the course of the submission, it has been stated that then Executive Engineer has retired on 31.5.2014, whereas the concerned Assistant Engineer was transferred at other place. The record clearly

shows that though the complainant has submitted A-1 application for 26 HP alongwith the requisite documents, however, the concerned Jr.Engineer has prepared estimate report for Rs.52,581/- for 35 HP connection. The said estimate was revised for Rs.2,59,560/- under non-DDF CC & RF Scheme. No justification has been placed on record or pointed out from the side of N.A. Here it is pertinent to note that none of the concerned officers of the N.A. i.e. Executive Engineer, Assistant Engineer / Jr Engineer, at any point of time pointed out any deficiency or requirement from the side of the complainant while submitting A-1 application for new connection, including that of deficiency of processing fees. On the contrary, acknowledgement was issued having found the application complete in all respects.

6. The submissions have been made on behalf of the complainant that in view of this exorbitant estimate of Rs.2,59,560, the complainant has submitted application for shifting of existing meter vide letter dt.20.11.2012 and though it was not permissible under the Regulation & Rules of shifting of meter, estimate of Rs.385 dt.10.12.2013 came to be issued under the signature of Assistant Engineer. It is pertinent to note that after submission of the application for new connection as well as transfer of existing meter, no steps were taken from the side of the N.A. for sufficient long time. The complainant was compelled to approach IGRC Buldana on 25.11.2013 that time. Thereafter the estimate dt.10.12.2012 for shifting of existing meter for Rs385 came to be issued, contrary to the regulation and service rules. It is thus clear that in order to show that something is being done by the officers of N.A. they acted contrary to the Rules and Regulation and given even the estimate for shifting of meter.

7. Here it is pertinent to note that the Complainant has made query immediately and other estimate dated 12.12.2013 under Sr.No.2800 for Rs.34481 came to be issued under Non-DDF CC & RF Scheme, wherein exorbitant estimate as well as illegal amounts have been claimed and on realizing the mistake when pointed by the complainant, another estimate of the same date with same Sr.No. for Rs.26204/- came to be issued. Both the estimates were issued under the signature of Assistant Engineer and in the second estimate the amount of supervision charges, service connection charges have been deleted. From the side of the complainant submission has been made that even the amount of Security Deposit of Rs.26,000/- was excessive, nothing has been explained from the side of the N.A. As the complainant was in need of connection, he has remitted the amount under the said estimate. As per the submission made on behalf of the N.A. new electric connection was released on 7.1.2014. Here it is to be noted that nowhere, at any point of time, N.A. had given requirement if compliance or documents from the side of the complainant or even requirement of processing fees. However, the IGRC Buldana has passed order for providing documents to the N.A. and N.A. to provide connection immediately thereafter. It has been further observed that even the complainant has not paid processing fees with the application for connection. All these observations in the order of IGRC Buldana are contrary to the Regulation as well as Commercial Circular No.129, dt.1.12.2010 by the Chief Engineer (Commercial). It cannot be said by any stretch of imagination that the Chairman of IGRC, who is Executive Engineer, was not aware of the said Commercial Circular. Here, it is pertinent to note that no document has been demanded from the complainant or any compliance was required to be completed by the complainant at the time or on or before

providing of electric connection on 7.1.2014. On the basis of application and the documents filed by the complainant on 14.2.2012, the said connection was provided, in view thereof there is a apparent substance. In the submission made on behalf of the complainant that IGRC Buldana has passed such order, intentionally, so as to protect the erring officers who have committed mistake and acted contrary to the Regulation and alleging that it was mistake on their part. There appears to be substance in the submission made on behalf of the complainant, it was nothing but planned harassment to the complainant and that it was tried to be protected by the order of IGRC.

8. Here it is pertinent note that Mr. Linghot, Assistant Engineer & Learned Representative of the N.A. has fairly conceded that it is the case wherein the complainant has been harassed by the Officers of the N.A. As already observed above, wrong estimates have been given, lateron, even exorbitant bill of Rs.2.25 Crore for March 2014 came to be issued to the complainant. At this stage, it is pertinent to note it was not the first bill of the complainant after providing of connection but it was second bill and the first bill of Feb.2014 was for Rs.5776/- so apparently, it is further clear that exorbitant bill about Rs.2.25 Crore came to be issued to the complainant in view of his approaches to the authorities for redressal of his grievance. The record clearly shows that the IGRC Buldana has passed the impugned order of providing connection to the complainant by making observation contrary to the Rules and Regulations and factual aspects. It is nothing but attempt to protect the erring officers.

9. No doubt from the side of the N.A., the learned Representative, has tried to submit that the complainant has submitted application for the shed which was expected to be got ready within one year. According to him, there was no

urgency of electric connection to the complainant. This submission has been strongly opposed from the side of the complainant, submitting that it was for N.A. to make compliances as per the Rules and Regulation. If connection would have been provided to the complainant, its liability was to pay the electric bill and nothing more. The N.A. cannot escape from its statutory liability provided under the Regulation of that ground. This forum finds substance in the submission made on behalf of the complainant.

10. Admittedly, MERC has framed Regulations in pursuance to provisions under the Electric Act, 2003. MERC (Standards of Performance Distribution of Licensee, Period of giving Supply and Determination of compensation) Regulation, 2005, provides various obligations to be complied with by the N.A., within the stipulated period. So also it provides consequences upon failure to meet those standards of performance. In Appendix-A of above referred Regulation, the level of compensation payable for failure to meet the standards of performance have been elaborated for different contingencies : such as Inspection of the premises, issue of Demand Note /Quotation, providing of Electric supply, etc. Admittedly in the present case the complainant has submitted application for new connection on 14.2.2012. As per the defense and submission made on behalf of the N.A. the electric connection was provided on 7.1.2014. Here it is to be noted that initially incorrect quotation have been issued by the concerned Officer of the N.A. to the complainant and second quotation on the same date 13.12.2013 came to be issued to the complainant for Rs.26,204/- Admittedly, the complainant has made payment and the connection has been provided on 7.1.2014. So correct quotation was given on 13.12.2013. On behalf of N.A. vaguely it has been stated in the reply that there was confusion to the concerned Officers of the N.A. as to

whether his new application for connection is to be acted upon or application for shifting of meter. When query was made with the Learned Representative of the N.A., whether shifting of electric meter at entirely different place is permissible under the Regulation, he has fairly submitted that it is not. In view there of there was no occasion for getting confused, on the contrary, Regulations require that the N.A and its officers to make compliance as per the Regulation within the prescribed time or to face consequence of liability of compensation, as provided under the Regulation 2005 referred to above. Maximum period of 30 days is provided in the said Regulation, for issuing of quotation, even if one considers the same then even in that case apparently there is delay of 21 months. Under the said Regulation, compensation at the rate of Rs.100/- per week for such delay is provided. Consequently the liability of payment of said compensation for delay of the above period needs to be granted.

11. As per the complainant in the like manner there is a delay in providing connection. As per Appendix-A 1(iii) the maximum period of one year is provided for providing electric connection. As per the same the time period for provision of supply from the date of the receipt of completed application and payment of charges, the limitation starts. Here in the present case, admittedly even as per the complainant quotation dt.13.12.13, was received and he has made the payment. As per the record and submission made on behalf N.A. that the new electric connection was provided on 7.1.2014 to the complainant's premises. This has not been disputed and controverted from the side of the complainant, so as per the requirement of above Clause A 1 (iii), the electric connection was provided even before the period of after month after payment, consequently,

the complainant's claim for compensation for delay in providing connection cannot be said to be justified and proper. That the payment of charges was made after 13.12.2013 and connection was provided on 7.1.2014, no case has been made out for getting compensation under that head.

12. As already observed above, the complainant was required to get connection under the Non-DDF CC & RF Scheme. The cost of estimate of Rs.29270/- has been shown in the quotation of 13.12.2013 issued by the N.A. Admittedly, the complainant had spent amount for such infrastructure and even as per the said Scheme that amount needs to be refunded to the complainant by the N.A. The complainant's submission that till date nothing has been refunded from the said amount has not been controverted from the side of the N.A. Even as per the N.A.'s Scheme the said amount ought to have been adjusted in the electric bills payable by the Complainant. It is about one and half year has been passed after providing of electric connection to the complainant and non refund of the said amount, even making adjustment in the electric bills, clearly shows that the N.A. has acted contrary. Had such adjustment would have been made, by this time the entire amount which was spent by the complainant, could have been adjusted. Consequently, the complainant's grievance in that respect is perfectly justified and same is dealt with properly in the final order.

13. According to the Complainant, even more amount has been recovered from him under the Head of Security Deposit. As per the Regulation, at the time of providing connection, the said amount is to be paid on the basis of estimate/average payment of 3 month's bill. As referred to above, the complainant's first bill was for Rs.5776/- whereas as per the submission on behalf

of N.A. the second abnormal bill of Rs.2.25 Crore was corrected and correct bill of Rs.13730/- came to be issued to the complainant. The complainant has made payment thereof also. So even one considers the charges of Rs.26000/- security deposit, cannot be said to be excessive on the basis of estimate at the time of providing new connection to the complainant. In any case, in view of completion of more than period of one and half year, the N.A. to revise Security Deposit on the basis of Regulation and if any excess amount recovered from the complainant, the same is to be refunded by way of adjustment in the forthcoming bills.

14. The complainant has also claimed compensation of Rs.10,000/-towards mental harassment and cost of Rs.5000/-for approaching the authorities for redressal of his grievance. The Learned Representative of the complainant has made submission in that respect which has been opposed by the Learned Representative of the NA. The record clearly shows that the mistakes after mistakes have been committed from the side of the concerned officers of the N.A. including that of issuing of exorbitant bill of Rs.2.25 crore. Naturally, one gets shocked/disturbed after getting such a huge bill. When the complainant informed about its approach to CGRF then immediately the said bill was revised for Rs.13730/- and complainant has paid the same. The record clearly shows that the complainant is required to make the correspondence time and again with the authorities apart from the present litigation and has been required to face the situation and to undergo the tension. So also is required to approach IGRC and thereafter CGRF for redressal of his grievance. The record clearly shows that only after approaches made to the authorities, some corrective steps have been made by the concerned officers, else they were adamant and acted negligently. So, it

will be just and proper to award proper relief under these heads and the same is granted as per the order passed herein below:

15. The complainant has also prayed for giving proper direction to the Chairman, IGRC. Needless to say that the authorities working under the Regulation has to act as per the provision of the Rules, Regulations and if it intentionally makes non-compliance, then it can be said that such action has not taken in the right spirit. The fact remains that there was nothing to be complied with by the complainant, so the observations of IGRC in respect of processing fees and documents were contrary to the facts and Commercial Circular No.129, as well as the entire defense of the N.A.. It is for the concerned officer who is working as Authority under the Regulation to act within the four corners of the Regulation so as to avoid controversies and contradiction. The concerned officer to take careful note thereof. The Learned Representative of the complainant has referred to the judgment of High Court in Writ Petition No.4101 of 2007, in the matter of Smt. Savitri Chandrakesh Pal versus Maharashtra State and others, Wherein direction was given to follow the procedures and guidelines by the Authorities concerned. When the observations have already been made above that the concerned officer to take note thereof.

16. Needless to say that because of the negligence / lethargic attitude on the part of the concerned officers of the N.A. this litigation has been required to be faced by the N.A. so also required to incur monitory liability in terms of the order, which needs to be recovered from those erring officers in the light of the observations and direction of the Supreme Court of India in the matter of

M.K.Gupta versus Lukhnow Development Authority, With such observations this Forum proceeds to pass the following unanimous order:-

ORDER

1. The Complaint No.74/2014 filed by the Complainant is hereby partly allowed.
2. The N.A. is directed to pay the SOP compensation of Rs.8400/- at the rate of Rs.100/- per week for delay of 21 months in giving correct Quotation to the complainant.
3. The N.A. is also directed to refund the amount of Rs.29,270/- towards the cost of infrastructure incurred by the complainant as mentioned in the estimate dt.13.12.2013 to N.A. by way of adjustment in the forthcoming bills of the complainant.
4. The N.A. is also directed to pay Rs.5000/- to the complainant towards harassment faced because of negligent and irresponsible attitude of the concerned officers plus costs of the present proceeding.
5. The N.A. is directed to recover this monetary liability imposed upon it in pursuance of this order from the concerned erring officers of the N.A. because of negligent and lethargic attitude on their part as laid by the Hon. Supreme Court in 1994 (I) SSC Page 243, in the matter of M.K.Gupta versus Lukhnow Development Authority, apart from taking action as per service rules.

6. That the compliance report be submitted within a 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

No.CGRF / AMZ/

Dt. /06/2014

To
The Nodal Officer / Executive Engineer,
MSEDCL,
Mulapur Division,
For information & necessary action.

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

Copy To:
Pravin Gajanan Chavhan, Aditya Engineering, Bodwad Road, Mulapur,, Dist
Buladhana.

Copy s.w.r.to:-
The Superintending Engineer, O & M Circle Office Buldhana.