



Consumer Grievances Redressal Forum
 UrjaBhavan, 3rd Floor, Bhigwan Road, Baramati -413102
 Tel. No. 02112-244772, 74 (O), Fax No. 02112- 244773
 Email: cebaramati@mahadiscom.in / cgrfbaramati1@gmail.com

**CONSUMER GRIEVANCE REDRESSAL FORUM,
 MSEDCL, BARAMATI ZONE, BARAMATI.**

Case No.: 11/2015
Date of Grievance: 30/11/2015
Date of Order: 04/01/2016

In the matter of Agriculture pump connection

Shri.SadhashivDinkarNikam,
 A/p- Karandi,Kudal, Tal-JawaliDist-Satara.
 Consumer)

Complainant
 (Herein after referred As

Versus

Superintending Engineer,
 M.S.E.D.C.L.,O&M, Circle, Satara

Respondent
 (Herein after referred As Licensee)

Quorum

Chairperson	Mr. S.N.Shelke
Member	Mr. S. S. Pathak
Member Secretary	Mr. R. L. Rajandekar

Appearance:-

For Consumer: - 1) Mr. Sadhashiv DinkarNikam

For Respondent: - 1) Mr. V.N. Thorvade, Dy.Executive Engineer, O&M Sub-Division,
 Medha.
 2) Mrs.D.R. Kamble, A.E., O&M Sub-Division, Medha.

1. The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF& E.O.) Regulations 2006. Herein referred to as the Regulations.
2. Being agricultural and dissatisfied by the order Dt. 11.09.2015 passed by IGRC, Satara Circle thereby rejecting the claim of consumer for getting compensation the consumer above named prefers this grievance application on the following amongst the other grounds.

3. The papers containing the above grievance were sent by the forum to the Executive Engineer, Division, Wai vide letter No. CE/BMZ/CGRF No. 6374 Dated 09/12/2015. Accordingly the Distribution License filed its reply on 20/11/2015.
4. We heard both sides at length, gone through the contentions of the consumer and reply filed by the consumer and the document placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) The consumer deposited security deposited of Rs. 1910/- for the new Agriculture Pump connection vide the receipt No. 309971 Dt. 16.08.1993 in respect of well situated in Jawali G.No. 810 of villatge Karandi Tq- Javali Dist- Satara.
 - ii) The Consumer Could not get connection till 2011.
 - iii) The Consumer again deposited amount of S.D. of Rs. 3025/- on dt.12.10.2011 for Ag connection on the same well.
 - iv) The consumer applied to licensee for refund of S.D. on 11.11.2011
 - v) In pursuant to application of the consumer in respect of Ag connection, he was connected on 30.06.2015 vide consumer no. 195340001414.
 - vi) The consumer made grievance before IGRC, satara circle on 10.08.2015.
 - vii) The IGRC partly allowed the grievance in respect of payment of interest on S.D. amount form 10.12.2011 till June 2015 as per existing rate of interest but rejected the grievance for payment of compensation vide impugned order Dt. 11.09.2015.
5. Consumer namely Mr. Sadashiv Nikam submits that he made application to MS&EDCL for release of agriculture of connection and deposited amount of S.D. of Rs. 1910/- on 16.08.1993. However in spite of several requests he could not get electric connection till 2011 He was told by the officers of the licensee that since it was old application, not accepting in the system and make another application for connection. There fore he again applied for new Ag connection by depositing S.D. of Rs. 3025/- on 12.10.2011. Thereafter he made application to licensee for refund of S.D. of Rs. 1910/- which was deposited in the year 1993 However he did not get refund of S.D. till 2015
6. Consumer further submits that in spite of continues follow up he could not get connection for 22 Years. He could get connection on 30.06.2015. He further submits that as per his application dated 16.08.1993 if connection was released his three



acreage land could have been irrigated. There fore liable to pay compensation from 1993 to 2015 i.e. for 22yers at the rate of Rs. 10000/- per acre consumer claiming total consumption of Rs. 6,60,000/-. He also claims interest on security deposit from 1993 at the rate of Rs. 10%. He also claims SOP consumption as per rules.

7. On the other hand Mr. Thorawade Dy. EE submits for licensee that the consumer has deposited amount of security deposit in the year 1993 however the consumer did not submit the reports to the licensee for installation Electric motor (Pump set) on the said well & the testing report thereof . he did not make any compliance to this effect. On dtd. 11.11.2011 the consumer made application contending that due to his un avoidable and personal problem he could not install pump set on the well. The consumer again deposited security deposit Rs. 3025 on Dtd.12.10.2011 thereafter the consumer submitted Test Report to the Office of Licensee on Dtd.23.06.2015. Thereafter supply was released to the consumer on Dtd.30.06.2015 vide consumer No. 195340001414. He further submits that Licensee is not liable to pay interest on SD, not liable to pay any compensation to the consumer since it was fault on the part of consumer for non submission of Test report.
8. Following points arise for our determination we give our findings hereon for the reason speech below.

Points	Findings
i) Whether the consumer is entitled to get interest on S. D.?	Yes
ii) Whether the consumer is entitled to get SOP compensation if yes, what should be the quantum?	Yes, Rs. 22500/-
iii) What order? order	As per final

9.

Reasons

Admittedly, the consumer applied for supply of electric connection for Agriculture purpose by depositing amount of S.D. of Rs. 1910 Dtd 16.08.1993. The consumer could not get Electric supply as per his application. It is seen that the consumer applied for refund of above mentioned SD on Dtd. 11.11.2011 it is also seen that the consumer made another application for release of Electric supply for the same well on dtd. 12.10.2011 by Depositing amount of SD of Rs. 3025/-. The licensee released

[Handwritten signatures and initials]

supply to the consumer on Dtd. 30.06.2015. Accordingly to the Licensee the said supply could not be released since the consumer failed to submit test report. The consumer claims interest on S.D. from the date of deposit of the said S.D. till refund of S.D. It is seen from record that the licensee refunded the amount of security deposit Rs. 1875/- Dtd. 15.06.2015

10. In this context we have to consider the necessary provisions of payment of S.D. sub section 4 of section 47 of the Electric Act. 2003 provides as under-

4) the distribution licensee shall pay interest equivalent to the bank rate or more, as may be specified by the concerned state commission, on the security referred in sub section (1) & refund such security on the request of the person to give such security.

11. The MERC (Electricity Supply code & other condition of supply) Regulations 2005 provides about payment of interest on security deposit Regulation No. 11.11 reads as under--

11.11- the distribution licensee shall pay the interest on the amount of deposited in cash (including check & demand Draft) by the consumer at a rate equivalent to the bank rate of the reserve bank of India.

- Provided such interest shall be paid where the amount of security deposited in cash under this regulation 11 more than or equal to Rs. 50/-

11.12 - interest on cash security deposit shall be payable from the date of deposit by the consumer till the date of dispatch of the refund by the distribution licensee.

12. Therefore as per the above mentioned provision of the Law as well as MERC regulation the licensee is liable to pay interest on S.D. to the consumer from the date of deposit of S.D. till the date of refund. In the present case, the consumer has deposited amount of security deposit of Rs. 1910 on 16.08.1993 and the licensee refunded the said security deposit to Rs. 1875/- on Dtd. 15.06.2015. The Electricity Act 2003, has come into force on Dtd. 10.06.2003. Section 185 of the said Act provides the repeal and saving. As per sub section 2 of section 185 of said Act notwithstanding such repeal, anything done, any action taken or purported to have been done or taken including any rule, notification, inspection order or notice made or issued or any appointment, confirmation or declaration made for any licensee, permission, authorization or exemption granted or any document or instrument



executed or any direction given under the repealed law shall insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under corresponding provisions of this Act.

Therefore the consumer is entitled to get interest on SD from the date of deposit i.e. from 16.08.1993 to 15.06.2015 as per prevailing rate of interest. Hence we answer point No.1 in the affirmative.

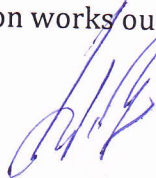
13. Point No.2 As far as payment of compensation as per SOP regulations is concerned, we have to consider relevant provisions made in the Act as well as regulations. Section 57 of Electricity Act 2003. Provides the consumer protection, standards of performance. Sub Section 2 of Section 57 of the Act reads as under --

2) If a licensee fails to meet the standards specified under sub-Section (1), without prejudice to any penalty which may be imposed or prosecution be initiated he shall be liable to pay such compensation, to the person affected as may be determined by the Appropriate Commission:

Provided that, before determination of compensation, the concerned licensee shall be given a reasonable opportunity of being heard.

14. MERC (SOP of distribution licensee, period from giving supply & determination of Compensation) Regulations 2014 Regulation No.3 provides for standard of performance of Distribution Licensee & Regulation No.4 provides for giving for supply. Appendix A of said regulations provides level of compensation payable to consumer for failure to meet standard of performance. In the said Appendix A, entry no. 8 provides for other services. Clause ii) under entry no.8 provides for the event of closure of account. Time period for payment of final dues to the consumer, from the date of receipt of application for closure of account. Standard of performance for the said events is 45 (Forty five) days (Rural areas) & amount of compensation payable to consumer is Rs. 100/- (Hundred) per week or part thereof of delay

In the present Case the Consumer made application for refund of Security Deposit on Dt. 11.11.2011. The licensee should have been refunded the said S.D. amount to the consumer within 45 days. However the licensee refunded S.D. of Rs. 1910/- by closing of account to Rs. 1875/- on dt. 15.06.2015. Therefore SOP compensation works out as under .


- 1) Date of deposit dt. 16.08.1993.
- 2) Consumer Applied for refund of S.D. on dt.11.11.2011.
- 3) Licensee refunded S.D. to consumer on dt. 15.06.2015

Therefore SOP calculation is as under

Form 11.11.2011 to 15.06.2015 period comes to 4 years 5 Months 4 Days = 229 Weeks less -6Weeks (Time granted for performance in the rural area) =223Weeks delay. Hence

SOP compensation = $223 \times 100 = \text{Rs. } 22300/-$

As per 8(ii) of Appendix SOP Regulations 2014

Therefore the licensee needs to pay compensation to the consumer as mentioned above. As regards demand of compensation Rs. 6,60,000/- for delay of supply of agriculture connection, the Electricity Act 2003 does not specifically provides other compensation than SOP as provided under section 57. Facts of this case shows that the consumer himself made application on dt.11.11.2011 stating that he could not install electric pump set due to some unavoidable reasons. Therefore this latches cannot be attributable to the licensee. Moreover it is the contention of licensee that they could not provide supply since the consumer filed to submit the test report after depositing of S.D. of Rs. 3025/-. On this point both the parties did not lead satisfactory evidence. Therefore we are unable to provide compensation to consumer for delay in supply of Electric power.

Lastly we proceed to pass following order.

ORDER


- 1) Grievance is partly allowed with costs
- 2) Licensee to pay interest to the Consumer on S.D. amount 1910/- from the Date of Deposit i.e. from 16.08.1993 to 15.06.2015 (till refund of Said deposit) vide supply code regulation No. 11.11& 11.12 read with section 47(4) & section 185(2) of the Electricity Act 2003.


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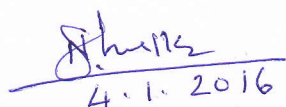
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- 3) Licensee is directed to pay compensation to the consumer for delay in payment of security deposit from 11.11.2011 to 15.6.2015 vide appendix 'A' of SOP Regulations 2014 as worked in Para no. 14 of the Judgment (4) Licensee to report the compliance of this order within one month from the date of receipt of this order.


Mr. R. L. Rajandekar
(Member/ Secretary)
CGRF:BARAMATI ZONE


Mr. S.S. Pathak
(Member)
CGRF:BARAMATI ZONE


S.N. Shelke
Chairperson
CGRF:BARAMATI ZONE

Note:-The Consumer if not satisfied may file representation against this order before the Hon'ble Ombudsman within 60 days from date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, BandraKurla Complex,
Bandra (East), Mumbai-51.