

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.

KONKAN ZONE RATNAGIRI

Consumer Grievances Redressal Forum Ratnagiri

Consumer case No. – 19/2014

Date :- 16.08.2014

**Shri. Sharad Govind Shelar
13/14 Jay Pushpa Milan Sahkari
Gruhanirman Sanstha,
Santh Ramdas Road, Mulund (East)
Mumbai 400081**

Complainant

V/S

**Executive Engineer
Maharashtra State Elec.Dist.Co.Ltd.
Ratnagiri**

Opposite Party

Quorum of the Forum

- 1) Mr. D. S. Jamkhedkar
Chairman**
- 2) Mr. V.B.Jagtap.
Secretary Member**
- 3) Mr. J.P. Biwalkar
Member**

On behalf of consumer

- 1) Mr. Sarang Uday Joshi
(Representative)**

On behalf of opposite party

- 1) Mr. A.W.Mahajan,
Executive Engineer, Ratnagiri**
- 2) Mr.G.B.Ghodke,
Additional Executive
Engineer, Ratnagiri**

Maharashtra State Electricity Regulatory Commission Consumer Grievance Redressal Forum and Ombudsman Regulation 2006 Vide Clause No.8.2

Being aggrieved by the order passed by IGRC in case no.19, the consumer has approached this Forum for redressal of grievance.

Consumer has submitted an application to the opponent for getting Ag-Pump connection on 27-01-2009 before Sub division office Lanja. Said application was processed by opponent office and the consumer was directed to comply the shortcomings in the application and the, application complete in all respect was submitted by consumer on 25.05.2010. It was forwarded to superior office and after necessary sanction, the consumer was provided with quotation and quotation amount was deposited by consumer on 01.10.2010 but no supply was given to the consumer.

Consumer then approached IGRC on 07.05.2014 and same came to be decided on 03/07/2014.

The IGRC directed Mahavitaran to release supply within 3 months of getting complete application. It is against this order the consumer has approached the Forum for redressal of grievance.

Notice of the complaint was given to Mahavitaran and Mahavitaran has filed its say.

It is submitted that the consumer has no doubt submitted the test report but on spot inspection, no electrification/ wiring required for installing pump was found at the spot nor electric pump was found installed. So consumer was directed to submit fresh test report but as the consumer failed to submit, the connection could not be released.

So it is submitted that consumer be directed to submit test report and the connection will be released on seniority list basis.

The matter was then kept for hearing it is submitted on behalf of the consumer that he was not informed about the spot inspection and the electrification is complete in all respect. A submission has been made that four years have passed from the date of application and still connection has not been released. So direction be given to release supply immediately.

On behalf of Mahavitaran, a submission has been made that since the electrification was not complete the consumer was directed to submit fresh report after completion and the consumer did not Submit fresh test report, so connection was not released.

It is also submitted that since Tendulkar has taken objection and since the matter is pending before civil court, the connection has not been released.

In view of rival submissions following points arise for our consideration and we have given findings against each of them for the reason given below.

No.	Points	Findings
1.	Whether consumer is entitled to the relief claimed,	Yes
2.	What order	As per final order

Reasons

Point No. 1 :-

So far as objection taken by Tendulkar is concerned, it does not come in the way of consumer in getting electric supply.

It appears that Tendulkar brothers have filed civil suit No- 46/2012 against the present applicant before Civil Judge Lanja. The bare look to the pleadings show that even Tendulkars admit that shelars (present consumer) are in possession of 4 Acres land of the eastern side as owner from out of Gut No 1067 of village Harche. This portion of 4 Acres is bounded on all sides by Gadga and the well is in this undisputed portion. So even Tendulkars admit the exclusive possession & owner ship of shelars on this 4 Acres portion in which well is located.

The suit for declaration of ownership is only for the remaining portion of Gut No 1067.

So the objection of Tendulkar is worthless and does not come in the way of present applicant in getting release of supply. So the contention of Mahavitaran that objection of Tendulkar has come in its way while releasing connection is without any basis.

Secondly now the consumer has submitted Fresh Test report dated 19.09.2014 so there is no difficulty for the Mahavitaran to release connection.

Hence we hold that consumer is entitled to get connection and answer the point accordingly.

Point No.2:-

The consumer is entitled to get connection. He has applied four years back and release of the connection has been unnecessarily withheld. So he is entitled to get connection within one month of the date of passing this order.

He is also entitled to get compensation for the harassment caused to him. So we award Rs. 500/- to him as compensation.

Hence we proceed to pass following order.

Order

- 1) **Appeal is allowed.**
- 2) **Mahavitaran shall release the Ag connection to the applicant within one month from today.(i.e. Date of passing the order)**
- 3) **Mahavitaran shall pay Rs. 500/- (Rs. Five Hundred Only) as compensation for the harassment caused to the applicant.**
- 4) **Compliance of the order shall be reported to the forum within one Month, after the release of connection.**
- 5) **In case consumer desires to appeal against this order he should file his appeal to the following addresses.**

**Secretary,
Electricity OMBUDSMAN,
Maharashtra State Electricity Regulatory Commission,
606/608, Keshava Building,
Bandra Kurla Complex,
Mumbai – 400 051.
Phone No.022 – 2659 2965.**

- 6) **If Mahavitaran fails to comply the order in stipulated time, consumer may apply to MERC as per provision in section 142 of Indian Electricity Act 2003 at the following address.**

**Maharashtra Electricity Regulatory Commission
World Trade Centre,
Centre No.1, 13th Floor, Cuffe Parade,
Mumbai - 400005**

**Shri. D.S.Jamkhedkar
Chairman ,C.G.R.F.
Konkan Zone**

**Shri. J.P.Biwalkar
Member,C.G.R.F.
Konkan Zone**

Date : 14.10.2014

Place : Ratnagiri

Dissenting Opinion

I the undersigned shri. V.B.Jagtap in the capacity of member /Secretary of this Forum I do not agree with the order passed by the Forum.

In the above order passed by this Forum it is directed to release the connection within one month from the issue of this order. However there is no such provision is available in any of the regulation of the Maharashtra Electricity Regulatory Commission to release the connection without observing the seniority list.

As per the submission made by the Mahavitaran the seniority no of the complainant is seven. Mahavitaran is constantly trying to get the contractors for the construction of the electricity line required for the various applicants of Ag pump connection. But due to difficult geographical terrain of this region, Mahavitaran is constantly facing the difficulties in getting the contractors. Mahavitaran has already committed for release of said Ag. pump connection by observing the seniority, but with the above order passed by the Forum, definitely there will be injustice with the other applicants who are senior to the Ag pump connection of Shri. Sharad Govind Shelar.

Hence I am of the opinion that Mahavitaran should release the connection by observing the seniority, and if Mahavitaran fails to comply with the provisions of standard of performance regulation 2005, Consumer will be at liberty to file separate application with the appropriate authority of the M.E.R.C. for getting requisite compensation.

**V.B.Jagtap
Ex.Engineer,C.G.R.F.
Konkan Zone**

Date : 14.10.2014

Place : Ratnagiri