

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.
KOKAN ZONE RATNAGIRI
Consumer Grievances Redressal Forum Ratnagiri

Consumer case No –33/2009

Date: 04 /3/2009

1) **Arun Shivram Gogate**
510 Mhadgutwadi Javal
At / Post- vilaye, Tal-Rajapur
Dist.- Ratnagiri.



Complainant

V/S

1) Executive Engineer,
Maharashtra State Electricity Dist.
Company Ltd.O&M Division,Ratnagiri
Tal.Dist. -Ratnagiri



Opposite Party

Quorum of the Forum



1) Mr.D. S. Jamkhedkar
Chairman
2)Mr. J.L. Sonawane
Secretary Member
3)Mr. N. A. Kulkarni
Member

On behalf of consumer

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1) **Arun Shivram Gogate**

On behalf of opposite party

- 1) Shri. N.V.Ajgaonkar
Assistant Engineer
O&M division Office, Ratnagiri
- 2) D.S. Kambale
Ex.Engineer(administration)
O&M circle office, Ratnagiri.
- 3) V.V. Pohanerkar
Assistsnt Engineer
Sub-DN. Rajapur.

Maharashtra State Electricity Regulatory Commission Consumer Grievance Redressal Forum and Ombudsman Regulation 2003 Vide Clause No.8.2

The consumer Mr. Arun Shivram Gogate resident of Survey No. 510 Mahadguthwadi- Post- Viley, Ta- Rajapur Dist- Ratnagiri, is having the sanctioned load of 05 HP Agricultural Connection filed his grievances under the prescribed format 'A' with this FORUM on 4.03.2009 alongwith the relevant particulars/papers and the same is in order. A letter was issued to DN. Ratnagiri calling the explanation vide letter dt 4.03.09 which was responded by the DN office vide submission letter No. Nil- dt- Nil filed on 25.03.09 under copy endorsed to consumer. A Notice was issued for hearing of the case dt 18.03.09 and case is heard on 01.4.09. The parties present argued before the FORUM and briefed the case with the respective aspects.

The particulars of consumer grievances are that the application for Ag. pump is dated 06.11.2007, which is registered by the office on 19.11.07 With the continuous follow up he could receive the sanction vide order dt. 20.6.2008 with the remark that work will be taken as per the chronology and material available with the store, however no such No was communicated nor the further steps are initiated. The quotation of Rs. 7650/- is paid on 21.06.08 vide receipt no 4447044 dt 21.6.08. In spite of repeated follow-up there was no response nor the action was initiated hence grievance are filed with IGRU on 04.7.08, The grievances remained as it is and a reply was delivered vide letter No. 3621/at 29.08.08 assuring that the connection will be released by the end of Dec.2008. In the

absence of such release the grievances are filed with the FORUM, with a prayer to release the Ag. connection immediately and compensation be awarded as per Rules of State Commission.

During the course of hearing on 1st April 2009 it was argued by the consumer that the whole process is delayed by MAHAVITRAN for no reasons what so ever and that to no deficiency on the part of consumer, survey was not undertaken and even the Seniority No is not made available he added. It was further contended that this is the sheer Negligence and no rules regulation are followed. Compensation should be paid for a considerable delay and more particularly the violation of supply code.

The representatives of MAHAVITRAN denied the charges of consumer and summarized the position of Ag. connection. It was contended by them that upon completion of survey sanction is released and Sr. No. was also communicated. It was further clarified by them that non-availability of contractor resulted into delay and they penalized the concerned officer Mr. Thorat for his failure of the duties & obligations. They supported the relevant filing they made in this regard. The geographical circumstances has become the main hurdles in not completing / Undertaking the work they added, and further assured that the connection will be released within a period of one month Mahavitrان further filed a letter bearing No. 2217 dt 09.04.09 regarding recovery of penalty of Rs.900 from the salary payable of his employee who is held responsible and requested time till 18.04.09. A further letter bearing No. 2335 dt. 16.04.09 was also filed along with the consent of contractor that the connection will be released before 15th May 2009 and further relied on regulaten No.11.1 of the SOP which grants exemption under certain circumstances.

On the basis of particulars furnished, documents filed and considering the arguments advanced by both the parties it is concluded that 'MAHAVITRAN' clearly violated the provision of sec 43 Elect Act 2003 and Rule '4' of SOP for giving supply. It is observed that from the date of application i.e. dt. 6.11.07, the sanction is released on 20.6.08 that too without term and conditions. They should have considered the entire circumstances before sanction on the basis of survey and ought to have communicated to the consumer. Instead of building a Bridge of communication MAHAVITRAN purposely compelled to the consumer to run from post to pillar, which is not anticipated by the provision of law. The intension of law maker is crystal clear which on the contrary is violated by Dist licensee. The provisions of section 43 of E.A. 2003 is 'Duty to supply on request.' This clause provides for supply of electricity to be given to the owner of premises by a Dist licensee within one month or within six months where such supply requires extension of Distribution mains, Commissioning of new sub-stations and under critical circumstances sec.44 provides exceptions and the same is justified vide rule 11.1 under exemptions, however nothing has been produced nor it is evidenced by Dist licensee as to how they were unable to provide. The non availability of contractor or the geographical position are not at all the circumstances beyond the control It is further noticed that the Dist licensee is

plucking the hole of exemptions and exceptions which is totally not applicable to the circumstances of this case and the contention of Dist licensee in this regard stands rejected.

It is further observed that the Dist licensee penalized his employee for the failure on his part of duties /obligations and recovered a sum of Rs. 900/- during the month of Oct. 2008 and this issue left unattended for the further period for no valid reason. Thus the licensee is not justified by recovering the amount alone, This recovery is in respect of compensation to be paid to consumer and as admitted by the Dn. Office Ratnagiri vide letter No. 5480 dt. 30.9.2008 needs to be paid to the consumer which he is entitled to receive. It is the evidenced fact that the connection is demanded at bore well, however this was not considered and survey conducted earlier of the erstwhile owner is wrongly made applicable to the issue of this connection. This has been also brought to the kind notice of IGRU vide letter of consumer dt 9th July 2008 however it reveals that this was kept aside and avoided the survey. It is therefore concluded that the Ag. connection is to be released at the sight of Bore well which form part of his earlier application. No additional cost is to be livable on the consumer and the connection is to released on the basis of earlier quotation as sanctioned dt. 20.6.2008 The Rajapur Sub- Dn has not acted in accordance with the application of consumer and further failed to carryout the work in term of Rules and regulations. The separate enquiry should be initiated by the Dist licensee for all the attempts resulted into misleading the over all position of the said connection. The another unfortunate issue is nearly one and half year period is elapsed and consumer is harassed and considerable expenses are incurred by him which also needs to be compensated It would be appropriate to compensate him a sun of Rs 750/- towards the cost of expenses which will some how be in the protection of interest of consumers.

It is the admitted fact that the delay, and failure on the part of 'MAHAVITRAN' amounts to violation of provisions of E.A. 2003 and also the Regulations Supply Code and SOP. In spite of the various 'NORMS' the whole process is delayed and even apart from commitment, connection is not released. The corrective course of action is not followed, Under the circumstances, of the case period is considered even upto Oct. 2008 i.e. almost one year and further delay is considered for the compensation to be paid to consumer in terms of provision of 57 of E.A. 2003, since license failed to meet the std, of performance, The period of compensation is from Nov.2008 till the connection is released in term of Appendix 'A' level of compensation for a period of seven months which works out to Rs. 2800/-. This needs to released along with the sum of Rs.900/- recovered from the employees for this purpose. Thus the consumer is entitled to receive a compensation of Rs.3700/- (Three thousand seven hundred only) on this account no other penal actions are initiated at this stage however MAHAVITRAN is directed to follow the specific NORMS for releasing the connections in near future. Thus in view of the findings / observation made here in above and in view of the provision of law and fact of the case, the following order is passed.

ORDER

- 1) The consumer grievances as accepted are allowed, and MAHAVITRAN should release the Ag. connection as sanctioned at the Bore well site of the land and supply of electrify shod be connected within a period of 10 days from the date of receipt of this order and to file the compliance immediately.
- 2) The compensation of Rs.3700/- (Three thousand seven hundred only) should also be released within period of 20 days, failing to which interest @ 6% is to be paid for every day of default.
- 3) The consumer is further awarded a sum of Rs. 750/- (Seven hundred fifty only) which should be released for all the harassments within a period of 15 days from the date of receipt of this order.
- 4) MAHAVITRAN should execute this order within a total period of 20 days and to file the compliances forth with failing to which penalty will attract.
- 5) It is directed to initiate separate enquiry of the employees of Rajapur Sub-Dn, who are guilty and failed in their duties / obligations. In this case MAHAVITRAN is at liberty to initiate appropriate action and to report accordingly.
- 6) In case consumer desires to appeal against this order he should file his appeal to the following addresses.

Secretary- OMBUDSMAN Maharashtra State Electricity Regulatory
Commission, 606/608 Keshava building, Bandra Kurla Complex Mumbai-
400051.

Phone No. 022-26592965

J.L. Sonawane
Ex. Engineer
Secretary Member
Consumer Grievance
Redressal Forum
Kokan Zone, Ratnagiri.

D.S. Jamkhedker
President
Consumer Grievances
Redressal Forum
Kokan Zone
Ratnagiri.

N. A. Kulkarni
Member
Consumer Grievances
Redressal Forum
Kokan Zone
Ratnagiri

Place: Ratnagiri
Date: 07.05.09