

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 361/2011

Shri Devrao Vishwanath Yelgunde,
At Ramnagar, Post Vaigaon Gond,
Taluka Samudrapur,
District - Wardha.

.. Complainant

.,VS..

1. Executive Engineer,
MSEDCL, O & M Division,
Hinganghat.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL, Wardha.

Respondents

Applicant Represented by Dr. N.N. Behre. .

Respondents represented by 1) Shri S.V.Fadanvis, Asstt.Engineer, Samudrapur.

CORAM:

Shri T. M. Mantri, Chairman.
Shri M. G. Deodhar, Member.
Ms. S. B. Chiwande, Member-Secretary.

ORDER
(Per Chairman Dtd. 05th March, 2012)

The complainant has filed the present complaint making grievance in respect of not providing electric connection and has also claimed compensation as per rules. The complainant's case in brief is that in Dec.,2009 electric line was erected by installing D.P. for 7 pump holders and then the amount as per Demand was made on 08/09/2010 so also Test Report. However no electric connection has been provided, compelling the complainant to approach this Forum. As the various correspondence made and approaches made officers of the Respondent proved to be futile. Then approached to I.G.R.Cell on 14/05/2011 but no order has been passed hence the present complaint for Redressal of the grievance.

2. As per the Rules, notice was given to the Respondent Licensee calling upon its reply which was filed stating that after receipt of the application the estimate was prepared and letter on Demand Note was issued to the 7 agriculturist but the complainant did not deposited the amount. On 9/8/2010 complainant has made demand and accordingly Demand Note was given, the amount was deposited on 9/8/2010 and Test Report submitted on 22/09/2010. It is stated that complainant's name is in the seniority list of Apri,2010 to 31/03/2011. The work order for the electric connection given to the agriculturist upto 31/03/2010 was given to M/s Varad Electricals which he has completed barring agriculturist who have raised objection. The work of providing connection upto 31/03/2011 is being done as per instructions of the higher offices and the work has now allotted to M/s Host International, Mumbai and M/s Saideep Electricals. The work would be started immediately and as per seniority list the electric connection has to be provided. There is no delay in supplying electric connection to the consumer and pressed for the rejection of the complaint.

3. Heard Dr. Behre Representative for complainant & Ld. Shri S.V.Fadanvis, Asstt.Engineer on behalf of Distribution Licensee. From the record and submission it is not in dispute that the electrical line with D.P. has been installed and according to the Non-Applicant Licensee it was wrongly erected. The action has been initiated against the person concerned. At the same time also stated that the Transformer erected was not functioning.

4. Admittedly the complainant has deposited the amount as per Demand Note on 08/09/2010, the Test Report was given and the complainant and other concerned were waiting for connection of the line. The Ld. representative of the complainant has submitted that even the complainant has purchased pump and other material and waiting for electric supply, is bearing loss and harassments. As against this the Ld. Representative of Respondent Licensee has submitted that the complainant himself has given application on dtd. 09.08.2010 for Demand Note which was given on the same date and drawn attention to the documents filed on record in this behalf. No doubt there is nothing of record to show that prior to that any Demand Note was issued to the complainant and the Ld. representative for the Respondent Licensee after verifying the record, on next date, submitted that no documents available in the record of the office about first demand. But the fact remains that the line and Transformer was erected by that time. Admittedly Test Report was given on 14/09/2010. The Ld. Representative for the complainant has referred to the correspondence made with different

authorities in respect of demand for electric connection and has submitted that no convincing reply has been received by him.

5. As against this the Ld. Representative for Respondent Licensee has submitted that there is no intentional delay but the supply will be given as per seniority list. No documents about alleged seniority list is filed on record. Even the Ld. Representative for Respondent Licensee could not make any submission as to how much time will require to provide the connection. Except what has been stated in reply i.e. about allotment of work to the Contractor nothing has been submitted on behalf of Respondent Licensee.

6. As per M.E.R.C. Regulation, 2005 period of providing supply of electricity is given. So also the amount of compensation if failure to meet the standard of performance mentioned therein. Admittedly the Test Report was given on 14/09/2010. The submission made on behalf of the complainant that not only pump has been fixed on the well but all other arrangements has been made, has not been disputed from the side of the Respondent Licensee. So it is clear that since last about 1½ years, for want of electric supply the complainant could not get fruits of the work done by him and hence supply to be provided to him. He could have got benefit thereof and could have reaped the agricultural gains. The grievances of the complainant are very much justified. In any case there is failure on the part of the Respondent Licensee to provide electrical supply as per Regulations referred to above. Consequently the complainant is entitled for appropriate relief to provide supply as well as for compensation as per the above referred Regulations.

7. According to the Ld. Member Secretary of this Forum there is no intentional delay for supply to the complainant but as per seniority list it will be provided. The complainant's cause of grievance about payment of compensation for delay in giving supply will arise only when supply is given to him. In this case the supply is not yet given. The complainant's prayer for compensation for delay in giving supply is premature, in view of the orders passed by the Hon'ble Electricity Ombudsman, Mumbai in representation No. 32/2010 & 34/2010, hence the complainant is not entitled for compensation.

8. However as already observed above no documents have been filed from the side of the Respondent Licensee even alleged seniority list and position therein as to which of the consumers name therein have been provided connection. Adverse inference as per law has to be drawn against the respondent in that behalf. As per Standard of Performance under Regulation,2005 period of one year is provided in case where commissioning of Sub-station is required. The work of giving supply to the complainant involved installation of distribution transformer. The time period of giving supply in such cases is one year from the date of receipt of completed application as stipulated in the Regulation. Here in the present case it is undisputed that Transformer and electric line has been already installed. As per submission of the Respondent Licensee it was wrongly erected. Be that so, the work which has been carried out long back, say about two years, needs to be utilized, which will also save time and money of the Respondent Licensee. As per Appendix-A of Regulation,2005 period of one year is provided. In any case the reasons put forth on behalf of the Respondent Licensee can not be said to be excused for non fulfillment of Standard of Performance provided in Regulation,2005 referred to above. On bare perusal there of, time period for supply of electric connection is also provided. The reference of orders of Hon. Electricity Ombudsman reveals that the same were in the facts and circumstances involved therein. Para 9 of the order of Representation No. 34/2010, makes the position clear, It has been observed that the test report submitted clearly false and no valid. It was further observed that application for supply was therefore not complete, as required. More over the consumer therein has admitted the positions. In view of these vital variation and different of position, the Standard of Performance in Appendix-A of Regulation,2005 has to be considered and same is binding. More over on going through the Regulation,2005 it is clear that clause 12 thereof deals with determination of compensation. On plain reading of clause 12(i) it is clear that if the Distribution Licensee has failed to meet Standard of Performance specified in the Regulation,2005, "either of its own knowledge or upon written claim filed by affected person". The Distribution Licensee shall be liable to pay compensation as provided in Appendix 'A' to the Regulations. So it is clear from the wording in this clause that period of Standard of Performance mentioned therein has for the Distribution Licensee and it is to perform the said work within the period mentioned therein so as to meet the Standard of Performance. Upon failure to do, so the Distribution Licensee has knowledge of its failure and therefore, liability of compensation starts. More over 3rd proviso to clause 12 (2) is providing outer limit of 60 days from the date of rectification. As per same provision there is bar for not entertaining the claim for compensation if the same is filed after 60 days of removal of deficiency. The

**CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.**

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Shri T.M.Mantri
Chairman
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Shri M.G.Deodhar,
Member
(M)9422805325

NO. CGRF/NZ/R/

Date :

**Certified copy of order dtd 05th March,2012 in Case No. 361/2011 is
enclosed herewith.**

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ-R)MSEDCL
N A G P U R

To.

Shri Devrao Vishwanath Yelgunde, At Ramnagar Post- Vaigaon (Gond),Tq-Hinganghat,Dist. Wardha

Copy S.W.Rs.to :-

1. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy F.W.Cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha, --
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Hinganghat
for information and necessary action.

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
Ph.No.0712-2022198.

