

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 99/2013

Shri Wasudeo Narayan Parmore
At.Po.Arvi(small)
Tq.Hinganghat
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 1) Shri B.V.Betal, Authorized representative
Respondents represented by 1) Shri M.S.Vaidya, Executive Engineer, Hinganghat

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 06th day of December, 2013)

2. Shri Wasudeo Narayan Parmore, At.Po.Arvi(small), Tq.Hinganghat, Dist.Wardha (hereinafter referred to as, the applicant) had applied to the distribution licensee MSEDCL (hereinafter referred to as, the respondent) for new connection to his agricultural pump set. It is the contention of the applicant that inspite of the fact that he completed all the formalities the respondent had not released the connection within the time limit prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. He approached the IGRC Wardha. The IGRC Wardha dismissed his application

vide order passed under no.SE/Wardha/Tech/IGRC/4921 dated 30-08-2013. Feeling aggrieved by the aforesaid order, the applicant presented the instant application under the provisions of regulation 6.4 of the MERC (CGRF and EO) Regulations 2006.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EE/O&M/H'ghat/Tech/5115 dated 30-10-2013. The case was fixed for personal hearing on 02-12-2013. Shri B.V.Betal, a representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat represented the respondent. Both the parties were heard.

4. It was contended on behalf of the applicant that he submitted an application for connection to his agricultural pump on 07-02-2011. He received demand note on 30-06-2011. The agriculture Development Officer, Z.P.Wardha deposited the required amount. He submitted the test report on 26-03-2013. (He submitted the Xerox copy of the receipt of the same.) In spite of the fact that the application was complete in all respect the respondent has not released the connection till today. So he is entitle for compensation as provided under the SOP Regulations.

The applicant's prayer was as under,

i) The applicant may be awarded compensation as provided under SOP Regulations. The applicant may be awarded compensation of Rs.2.5 Lakhs towards the loss to his agricultural produce, Rs.30,000/- and Rs.20,000/- respectively may be awarded for physical and mental harassment, Rs.3,000/- each may be awarded for travel expenses & the cost of the instant proceeding.

ii) The respondent may be directed to release the connection immediately.

5. Shri M.S.Vaidya, referred to the parawise reply dated 30-10-2013. It was further stated that the applicant submitted application on 07-02-2011. A demand note was issued on 30-06-2011. The Agriculture Development Officer, Z.P.Wardha deposited the S.D. amount on behalf of the applicant. He submitted the test report on 26-06-2013. To provide the connection to the applicant, erection of L.T. line admeasuring 0.30 k.m. is necessary. His name is entered in paid pending list of year 2012-2013. The applicant has not submitted any survey report of any competent authority. His prayer is not acceptable. The connections to the agricultural pumps are released as per the orders from the higher authorities and availability of funds under SPA scheme. If the applicant wants the connection immediately, he may apply for connection under non DDF (CC & RF) scheme started as per MSEDCL circular no.22197 dated 20-05-2008. The name of the applicant is included in the list of beneficiaries under SPA scheme. The respondent has also received the funds from DPC Wardha. The work to award a contract to provide connection is in progress and it will be finalized shortly. The connection will be released as per the seniority of the applicant. So the application may be dismissed.

6. The technical member of the Forum submitted a note as under,

I have gone through the documents on record & submissions made by both the parties, it is not disputed that the complainant has completed all the formalities for getting electric connection to his Ag pump. However supply of electricity to agricultural pumps is carried out under various schemes such as SPA –PE, DPDC, Non DDF CCRF

etc . As per the submission made by the respondent the complainants agricultural pump application has been sanctioned under DPDC scheme. The process of giving contract for carrying out the work of lines under the said scheme is being in final stage. After finalization of the above process, the work will be taken up in hand & the electricity supply will be provided accordingly. On the other hand, the applicants whose agricultural pump applications has been sanctioned under SPA-PE scheme & who have paid the demand from June'10 to March'11, their work is already entrusted to the agency under 100% turnkey key contract, the work is in process as per seniority list barring only some work where objections were being raised by some of the agriculturist about standing crops in the field. The complainant has submitted Test report on 26.03.2013 .It needs 0.30 km LT line extension from the existing network.

MSEDCL's circular 22197 of 20.05.2008 regarding NON DDF CCRF Scheme , gives option to applicants to carry out the works, get supply early and get refund of the costs incurred, through future electricity bills The complainant has not opted under the said scheme for early connection. Moreover the complainants Ag. demand note is paid by the Agricultural Officer ,Zilla Parishad Wardha under DPDC Scheme.

In view of the circumstances mentioned above ,we cannot held the respondent responsible for the delay in providing electric connection to the complainant's agricultural pump. The respondent shall provide the connection to the complainant's Ag pump under the DPDC scheme as stated above.

Moreover 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 order passed by Hon'ble Electricity Ombudsman, Mumbai in representation No. 32/2010 & other representations were similar issues are being involved.

In view of above I am of the opinion that the respondent is not responsible for delay in giving supply & any losses caused to the complainant. Hence in my opinion the complainant is not entitled for compensation.

7. We have perused the record. We have heard the arguments advanced by both the parties.

It is admitted position that the applicant submitted the application in the prescribed form. He deposited the amount as per rule. He submitted the test report. His name is also entered in the paid pending list prepared by the respondent. So it is clear that the application submitted by the applicant is complete in all respect.

Regulation 4.5 prescribed the time limit for release of connection. It reads as under,

4.5 Where the supply of electricity to a premises requires extension or augmentation of distribution mains, the distribution licensee shall give supply to such premises within three(3) months from the date of receipt of complete application in accordance with the Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply,) Regulations, 2005.

After hearing the parties and upon perusal of the record it reveal that the applicant had submitted the complete application. So he was entitle for connection

within a period of three months from 26-03-2013. The respondents have not released the connection till today. So the applicant is entitle for compensation as provided under Regulation 12 and appendix A item1 (iii) attached the said Regulations.

8. In absence of any evidence much less reliable and cogent evidence we are not inclined to accept other claims of the applicant.

9. The respondent can not deny binding effect of SOP Regulations. So the note submitted by technical member can not be considered in toto.

10. In view of the position discussed above we pass the following order, by majority,

ORDER

- i) Application No.99 of 2013 is partly allowed. The applicant is entitle for compensation from 27-06-2013 till the connection is released to him.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 27-06-2013 to 06-12-2013. The payment shall be made within ninety days from the date of receipt of this order.
- iii) The respondent shall pay the remaining amount of compensation as soon as the connection is released to the applicant.
- iv) No order as to cost.

Sd/- (Adv.Gauri D.Chandrayan)	Sd/- (Ms.S.B.Chiwande)	Sd/- (Vishnu S. Bute)
<u>MEMBER</u>	<u>MEMBER SECRETARY</u>	<u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.06th day of December, 2013)</u>		

CONSUMER GRIEVANCE REDRESSAL FORUM

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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 06th December, 2013 in Case No.99 / 2013 is enclosed herewith.

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

To,
Shri Wasudeo Narayan Parmore, At. Po.Arvi(small), Tq.Hinganghat, Dist.Wardha
Copy s.w.r.to :-
1. The Chief Engineer(NZ), 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
0712-2596670

