

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 111/2013

Shri Manohar Sadashiv Khatik
At.Po.Girad
Tq.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	1) Dr.N.N.Behare, Authorized representative
Respondents represented by	1) Shri M.S.Vaidya, Executive Engineer, Hinganghat 2) Shri P.R.Parankar, Junior Engineer, Samudrapur

CORAM:

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

JUDGEMENT

(Delivered on this 13th day of February, 2014)

2. Shri Manohar Sadashiv Khatik, r/o Girad Po.Girad, Tq.Samudrapur, 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/5916 dated 19-10-2013. Feeling aggrieved by the aforesaid order, the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006 on 16-12-2013.

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/28 dated 02-01-2014. The case was fixed for personal hearing on 11-02-2014. Dr.Behare, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat & Shri P.R.Parankar, Junior Engineer, Samudrapur, 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 05-09-2010. He received demand note on 04-11-2010. He deposited the amount as per demand on 02-12-2010. He submitted the test report on 29-01-2011. In spite of the fact that the application was complete in all respect the respondent has actually released the connection on 09-10-2013.

The connection was not released. However the concerned field officer submitted a false report that the connection was released on 19-02-2011. So the respondent started issuing the electricity bills to the applicant. The applicant produced the Xerox copies of the bills received in June 2013 and September 2013.

The applicant's prayer was as under,

i) The applicant may be awarded compensation as provided under SOP Regulations.

ii) The respondent may be directed to cancel the electricity bills issued to him for the period from 19-02-2011 to 09-10-2013.

5. Shri Vaidya, Executive Engineer, referred to the parawise reply dated 02-01-2014. It was further stated that the applicant submitted the application on 05-09-2010. A demand note was issued on 04-11-2010. The applicant deposited the amount on 02-12-2010. He submitted the test report on 29-01-2011.

The Junior Engineer, Girad informed that the connection was released on 19-02-2011. So the company issued the bills to the applicant. The applicant submitted a complaint application on 11-06-2013. When the application was enquired into it was noticed that to release the connection to the applicant, laying of L.T. line admeasuring 0.06 k.m. was necessary. Subsequently, the line was erected and the power supply has been released on 09-10-2013.

The respondent admitted that the bills were issued wrongly. The respondent accepted to cancel those bills.

The respondent further stated the connections to the agricultural pumps are released as per the orders from the higher authorities and availability of funds under SPA scheme. The concerned field officer submitted a wrong report that the connection had been released. So the respondent presumed that due action was taken. However as soon as it was noticed that the connection was not released due action was taken. A notice has been issued to the concerned officer. The bills issued till 09-10-2013 are being cancelled. 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's application was complete in all respect on 29.01.2011, the day on which the test report had been submitted by him to the respondent's office. The supply of electricity to the agricultural pumps is carried out under various schemes such as SPA –PE, DPDC, Non DDF CCRF etc. The complainant's Ag pump application was sanctioned under SPA scheme. As per the survey report submitted by the concerned Junior Engineer, only service connection was required to supply electricity, hence it was informed to the concerned J.E to release the connection to the applicant's Ag pump. The report of releasing connection on dtd 19.02.2011 to the Ag pump was received. After that the bills started issuing against the said connection. However the applicant remained silent for more than 2 years.

The applicant's complaint about releasing of electricity supply & about electricity bill (wrongly issued to him) received to the respondent's office on 11.06.2013. Accordingly the concerned Junior Engineer has submitted revised survey report wherein it is shown that actually 0.06 km line was required to supply to the applicant's Ag pump. Hence the work of laying LT line was entrusted to the agency M/S. Dixit enterprise, Wardha The concerned agency completed the work & the connection was released on 09.10.2013 .

It is clear from available record that due to wrong submission of survey report & thereafter about releasing of connection by the concerned Junior engineer, there occurred delay in providing connection to the applicant's Ag pump. However it is not

known as to why the applicant has remained silent for more than about two years when he got electricity bills without being actually connected. Had he informed to the respondent as soon as he got the first energy bill without being physically connected, the respondent could have taken action for providing electricity to his Ag pump immediately.

In view of circumstances mentioned above in my opinion there observed delay on the part of respondent as well as the applicant. The respondent has provided the connection to the complainant's Ag pump on 09.10.2013. The respondent already agreed to cancel all the bills issued wrongly to the complainant. As the connection is already given to the applicant's agricultural pump, no compensation needs to be awarded.

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 prescribe 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 (3) months from 29-01-2011. The respondents have not released the connection within prescribed time. So he is entitle for compensation as provided under Regulation 12 and appendix A item1 (iii) attached the said Regulations.

It is admitted fact that the applicant was given the electricity line on 09-10-2013. Naturally, the electricity bills issued for the period from 19-02-2011 to 09-10-2013 are illegal. The respondent also accepted to cancel those bills.

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.111 of 2013 is partly allowed. The applicant is entitle for compensation from 01-05-2011 to 09-10-2013.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 01-05-2011 to 09-10-2013. The payment shall be made within ninety days from the receipt of this order.

- iii) The electricity bills issued by the respondent for the period from 19-02-2011 to 09-10-2013 are hereby cancelled & set aside.
- iv) No order as to cost.

Sd/-
(Adv.Gauri D.Chandrayan)
MEMBER

Sd/-
(Ms.S.B.Chiwande)
MEMBER SECRETARY

Sd/-
(Vishnu S. Bute)
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.13th day of February, 2014)

CONSUMER GRIEVANCE REDRESSAL FORUM
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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 13th February, 2014 in Case No.111 / 2013 is enclosed herewith.

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

To,
Shri Manohar Sadashiv Khatik, At.Po.Girad, Tq.Samudrapur, 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