

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

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

SHRI V.R.Khobragade,IAS(Retd)
Chairman

PH.(R)2457651(M)9923136412 (O) 0712- 2022198

Shri M.G.Deodhar,
Member

(M)9422805325

NO. CGRF/NZ/R/

Date :

Certified copy of order dtd. 31st March,2009 in Case No. 73/2009 is enclosed herewith.

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

Copy to:-

1. Shri Manohar Deorao Dhobale, At-Agargaon, Post -Saoli(khurd), Tah-Karanja(Ghadge), Dist-Wardha.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL.Wardha, --
4. The E.E.,C.C.O&M Dn., MSEDCL, Arvi.for information and necessary action.

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

Office of - **The Electricity Ombudsman,**

Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,
Bandra-Kurla complex,
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)
022 - 26590339 (Office)

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.**

(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **73** of 2009

Applicant : Shri Manohar Deorao Dhobale, At-Agargaon, Post -Saoli(khurd),
Tah-Karanja(Ghadge), Dist-Wardha.

-- VS --

Non-applicant : 1.Executive Engineer/Nodal Officer, I.G.R.C,
Circle Office,M.S.E.D.C.L., Wardha.
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L., Arvi.

Present : 1.Shri V.R.Khobragade,Chairman
2.Shri M.G.Deodhar,Member
3.Shri D.K.Choudhari,Member/Secy.

Appearance. : 1. Shri Manohar Deorao Dhobale,
Applicant present.

1. Shri S.M.Ghade,Nodal Officer,
2. Shri M.B.Dhabarde,AE.
For Non-Applicants.

ORDER

(Passed this 31st day of March,2009)
(Per Shri V.R. Khobragade, CHAIRMAN)

1. Being no communication in response to the application filed to IGRC, Wardha, Shri Nagorao Dewase, the representative nominated by Shri M.D.Dhobale (hereinafter referred to 'Applicant') filed an application to Forum on 13/1/2009 in form Schedule 'A' as per MERC (CGRF&EO) Regulations,2006 (hereinafter referred to 'Regulations'), requesting to grant of compensation for delay in getting power connection and excess amount paid toward demand note.
2. After receipt of his application, the Forum issued acknowledgement to Applicant, called parawise comments of the non-applicants (hereinafter called 'Company'/'DL'/'NA'), a copy of the parawise comments was sent to the Applicant, issued notices to both the parties, finally heard both the parties on 25/2/2009. Forum

thus, offered a fair, reasonable and adequate opportunity to both the parties for submission of their say in the matter.

3. On the date of hearing both the parties were heard. Applicant has given more emphasis over production of test report in 2003 and alleged that the said test report was intentionally misplaced by concerned official/officials of D.L. In support of his contention i.e. production of test report, he stated that the said noting was furnished to him by one Shri Paradkar, J.E. Thanegaon (Record Page 20). He admitted that he did not make any complaint, nor approached to any office for non-supply of electric power to his agricultural pump. Applicant invited Forum's attention to the permission under section 70 of M.L.R.Code 66 issued by Tahsildar, Karanja (Record page No.14). He further contended that some of the official/officials of D.L. was/were responsible for non-supply of electric power to agricultural pump and refused to resubmit the test report to D.L. Applicant lastly requested the Forum to direct the D.L. for power supply to agricultural pump and payment of compensation as admissible under prevailing Regulations.
4. On behalf of non-applicants Shri S.M.Ghade, N.O. and Shri M.B.Dhabarde,A.E., Karanja denied Applicant's claim regarding submission of the test report in 2003 and expressed willingness to provide power connection on submission of test report by the Applicant. The non-applicants lastly prayed not to consider the request of Applicant for compensation since he has not submitted test report to D.L.
5. On examining the papers, Forum unanimously decide to examine both the parties again and accordingly Shri Paradkar, JE., Thanegaon and Shri Dandekar, Authorised Electric contractor, Karanja were examined. Shri Paradkar denied that the document containing M.R. No. with amount, M.R.Date, T.R.date placed on record (Page No.20) was written by him. He again refused that he had given any written information to Applicant, Shri Dhobale. Shri Dandekar also stated that he does not remember about any test report given by him in favour of applicant Shri Dhobale. He further

voluntarily stated that he did not maintain record in duplicate and, therefore, he is unable to produce copy of T.R. in question to Forum. Shri Dhabarde, AE, Karanja produced AG-T register relating to "Agricultural Pump Test Report Pending in Chronological Order of Karanja Sub/Division". On going through the register carefully an entry at Sr. No. 354 found to be overwritten and illegible to read. Entry at Sr.No.353 indicate submission of Test report on 15.3.2003 by Shri N.S.Ghagare and entry at Sr.No. 355 in case of Ajab B Chopade reveals that T.R. was submitted on 4/8/2003. It means the entry at Sr.No.354 which was intentionally struck off by overwriting seems to be possibly related to Applicant. The date of submission of test report in case of 353 is 5.6.2003 and in respect of entry of 355 the date of test report is 4/8/2003. Applicant's claim of submission of test report on 17.6.2003 sustains force.

6. A close perusal of demand note also support the contention that entry at Sr. No.354 relates to the Applicant, since last four digit e.g. 1492 are easily seen and tallied with the last four digit contained in the Receipt of Demand note dated 26/4/2003 (Record Page 3).
7. Considering all the facts available on record, Forum unanimously come to conclusion that Applicant has submitted required test report on 17/6/2003 and denial of receipt of test report by D.L. sustains no force and therefore application is deserved for consideration of compensation under Regulations in force.
8. For the reasons discussed above, Forum opine that the non-applicants have not come with clean hands before us and tried to suppress the facts readily available with D.L. The Forum unanimously, therefore, direct the company to pay compensation of Rs. 21200/- (for the period 20/2/2005 to 13/1/2009) to the Applicant. Forum directs the Applicant to resubmit fresh test report and company shall connect power connection within one month from the date of receipt of test report. D.L. is further directed to hold departmental enquiry for abnormal delay in the matter and fix responsibility on

personnel(s) concerned and to recover from the concerned personnel(s) and be paid to the Applicant within 3 months from the date of order received. .

9. Under clause No. 6.18 of MERC (CGRF&EO) Regulations, 2006, Forum has to decide case within 2 months. In this case, the non-applicants have not come with clean slate and tried to suppress the evidence in their possession. The point of submission of test report has been vital point of debate on the very first hearing e.g. 25/2/2009 and Forum find no any document available on record to examine the truth pleaded by both the parties. Had D.L. been produced AG-T on 25/2/2009, the issue of submission of test report could have been examined and no necessity to examine additional evidence would have arisen. The production of AG-T was deliberately delayed by the non-applicants and therefore Forum could not decide the matter within 2 months. The non-applicants produced the document e.g. AG-T register on 16/3/2009 and, therefore, Forum have no option but to dispose off the case after 16/3/2009.
10. For the reasons as discussed above, Forum unanimously pass following order.

-: ORDER :-

1. The application is allowed.
2. The compensation of Rs. 21,200/- be recovered from concerned personnel(s) and be paid to Applicant within 3 months from the date of order received.
2. Parties to bear their own costs.
3. Parties be informed accordingly.

SD/-ILLEGIBLE
(V.R.KHOBRAGADE)
CHAIRMAN

SD/-ILLEGIBLE
(M.G.DEODHAR)
MEMBER

SD/-ILLEGIBLE
(D.K.CHOUDHARI)
MEMBER/SECY

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

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