

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 156/2014

Shri Anil Panjab Nasre
Sant Tokdoji ward
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 A.V.Tupkar, Dy.Exe. Engineer Hinganghat (R)

CORAM:

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

JUDGEMENT

(Delivered on this 5th day of February, 2015)

2. Shri Anil Panjab Nasre, Sant Tukdoji ward, 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 2014. He approached the IGRC Wardha. The IGRC Wardha dismissed his application vide order

passed under no.SE/Wardha/Tech/IGRC/6385 dated 29-11-2014. 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 22-12-2014.

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/337 dated 17-01-2015. The case was fixed for personal hearing on 02-02-2015. Shri B.V.Betal, authorized representative was present for the applicant Shri A.V. Tupkar, Dy.Executive Engineer, Hinganghat (Rural), 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 01-11-2011. He received demand note on 24-02-2012. He deposited the amount as per demand on 28-02-2012. He submitted the test report on 04-03-2012. In spite of the fact that the application was complete in all respect the respondent released the connection 28-12-2014. 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.70,000/- and Rs.60,000/- respectively may be awarded for physical and mental harassment, Rs.5,000/- and Rs.10,000/- 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 Tupkar, Dy.Executive Engineer, referred to the parawise reply dated 17-01-2015. It was further stated that the applicant submitted the application on 01-11-2011. A demand note was issued on 24-02-2012. The applicant deposited the amount on 28-02-2012. He submitted the test report on 04-03-2012. To provide the connection to the applicant augmentation to the existing network i.e. laying of LT line admeasuring 0.42 k.m. was necessary. His name was entered in the paid pending list of year 2011-12 at sr.no.290. The applicant has been given connection on 28-12-2014. 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. Since the applicant has been given the connection he may not be awarded any compensation. 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 04.03.2012, the day on which the test report had been submitted by him to the respondent's office. However the supply of electricity to the agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC. The complainant's Ag pump application was sanctioned under SPA scheme. There was huge pendency of agricultural pump applications in Hinganghat Division under SPA scheme ,hence the work of laying HT/LT lines & T/F for supplying connections was entrusted to the agency

& being carried out as per the seniority of the applications/applicants who deposited the demand amount & completed the formalities in all respect. The paid pending list for the year 2011-12 was given to the agency to carry out the work of Ag. pump. Accordingly the concerned agency completed the work & as reported the respondent has released the Ag. pump connection on 28-12-2014.

In view of circumstances mentioned above in my opinion there observed no intentional delay for providing electric connection to the complainant's agricultural pump on the part of respondent . The respondent can not be held responsible for the delay & is not liable for compensation to the applicant as per SOP regulation. The respondent has provided the connection to the complainant's Ag pump on 28.12.2014. As the connection is already given to the complainant's agricultural pump, no compensation needs to be awarded to the complainant.

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 was complete in all respect.

Regulation 4.8 prescribe the time limit for release of connection, it reads as under,

Where the supply of electricity to a premise requires extension or augmentation of distributing mains, the Distribution Licensee shall give supply to such premises within

three (3) months from the date of receipt of the completed application and payment of charges. The extension or augmentation of distributing mains includes the extension of HT, LT lines and augmentation of distribution transformer substation.

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 04-03-2012. The respondents released the connection on 28-12-2014. So he 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.156 of 2014 is partly allowed. The applicant is entitle for compensation from 05-06-2012 till the connection is released to him.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 05-06-2012 to 28-12-2014. The payment shall be made within ninety days from the date of receipt of this order.
- iii) No order as to cost.

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| Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u> | sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u> | sd/- (Vishnu S. Bute) <u>CHAIRMAN</u> |
| <u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u> <u>(Nagpur Dtd.05th day of February, 2015)</u> | | |

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

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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 5th February, 2015 in Case No.156 / 2014 is enclosed herewith.

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

To,
Shri Anil Panjab Nasre, Sant Tukdoji ward 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. 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

