

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 376/2012

Shri Shivdas Sambhaji Borkar,
At Satephal, New Yashwant Nagar,
Near Gajanan Maharaj Temple,
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's Representative Shri B.V. Betal.

Respondents Representative : 1) Shri P.B.Ingle, JE, O&M Dn., Hinganghat.

CORAM:

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

ORDER
(Per Chairman Dtd. 9th April, 2012)

1 The complainant has approached the Forum in respect of his grievance alleging that though he has submitted the application for 3 HP Agricultural connection on 05.10.2009 but the demand note was issued late i.e. 29.12.2009, the amount therein was deposited on 31.12.2009 so also Test report was given on that date itself. The allegations are made that inspite of approaching time and again for connection the then Asstt.Engineer has given connection to the others by superceding complainant whereby complainant has been put to loss of Rs.15.00 lakhs and the same has been claimed in the complainant. Further allegations have been made that in demand note Rs.500/- has been demanded in excess which deserves to be refunded with interest.

2 According to the Complainant for supplying the electric connection late on 25.12.2011, the Respondent Licensee has committed contravention hence he is entitled for compensation and inspite of giving letter dt.11.1.2012 in that respect nothing has been done. The complainant is entitled for compensation so also Rs.30,000/- towards mental harassment and

Rs.3000/- towards traveling expenses which needs to be awarded. Along with complaint copies of certain documents came to be filed. The complainant had approached IGR Cell on 01.11.2011, matter was heard but no order has been passed so far hence the complaint.

3 Notice was given to the concerned office of the Respondent Licensee who in turn has submitted para-wise comments stating therein that the IGR Cell has passed order giving direction to provide electric connection immediately, but the claim for compensation has been turn down. The electric connection accordingly provided to the complainant on 25.12.2011. It is alleged that claim made in the present complaint in respect of compensation of Rs.15.00 lakhs so also taking action as per SOP for delay in giving electric connection are common/additional claim for compensation. The complainant has made different demands in the complainant before D.L., IGRC & Forum.

4 In any case the complainant has not filed concerned documents such as inspection by the Competent Authority /Officer and certificate of the loss by the said authority. Hence he is not entitled for anything. Likewise his claim for on other ground also needs to be dismissed. The date of submission of application, demand note, payment date etc. are not disputed and stated that complainant's name was to be in the seniority list. The work for providing connection to the consumer up to 31st March 2010 i.e. paid pending was given to M/s Varad Electrical Pusad Dist. Yavatmal to be completed by December 2010. On account of heavy rains and obstruction created by some of the agriculturists, work could not be completed. Hence dead line was extended till March 2011. The some of the work, the said contractor has completed, but 199 matters remained to be completed. Though reference has been made to letter dt.25.1.2011 which alleged to have been filed with the reply but in fact it was so not filed. The work of electric connection to the complainant was completed on 25.12.2011 and there is no intentional delay hence complainant is not entitled for any relief. The complaint is liable to be dismissed.

5 As regards Rs.500/- it is stated that in the demand note it was mentioned towards broken pole charges and it is with oral consent of the complainant. He has not raised any objection at that time. Complainant claim in that respect is untenable and lastly pressed for dismissal of complaint. .

6 Heard Shri Betal, learned representative for the Complainant and Shri Ingle,Jr.Engr., learned representative for the Respondent Licensee. Certain documents came to filed on record. Considering rival submissions and on going through the relevant documents filed on record, certain facts are admitted. No doubt there was some delay in issuing the demand on 29.12.2009. Admittedly the amount as per demand note was deposited on 31.12.2009 so also test report was submitted on that date itself. The complainant grievance is for giving late demand note as well as providing electric supply, belatedly i.e. on 25.12.2011.

7 In the reply the Respondent Licensee has stated that even IGR Cell given direction to provide electric connection immediately. However, copy of the said order is not placed on record, but fact remains that electric connection was provided to the complainant on 25.12.2011. From the side of the complainant certain documents have been filed such as letter dt. 11.1.2012 along with other documents. This letter bears seal and signature of the recipient clerk of the concerned office of the Respondent Licensee. Submission made on behalf of the complainant that in spite thereof neither there is a reply nor compliance has been made has not been contradicted.

8 According to the learned representative for Respondent Licensee complainant's name was placed in paid pending seniority list. But because of heavy rains and obstruction on behalf of some of the agriculturists the said paid pending list could not be completed and some of the consumers therein remain to be connected. It is pertinent to note that the said seniority list is not produced on record. There is no evidence brought from the side of the Respondent Licensee to substantiate/support such submissions. It was expected to place all the documents related to the controversy before this Forum but it has not been done so. In view thereof it invites drawing of adverse inference against it. In any case the Regulations SOP 2005 provides the period for performance of particular work. These regulations have been formulated by the Hon'ble Commission having statutory force and the same are binding on the Respondent Licensee. It has to justify its action for non-compliance of those standards of performance fixed therein. It was necessary to place cogent oral and documentary evidence, that has not been done so as observed above, here in the present case, admittedly in spite of given directions by the IGR Cell connection was given late i.e. 25.12.2011. Copy of the letter 11.1.2012 clearly mentions about such delay and claim made by the complainant for compensation as per Regulations SOP 2005. The said letter has not been replied. In Appendix "A" to Regulations SOP 2005 the level of compensation payable to the concerned consumer upon failure to meet standard of performance by Licensee Company is provided. Admittedly the application of the complainant was received duly completed i.e. including payment of charges and submission of test report on 31.12.2009 whereas the electric connection was provided on 25.12.2011. Apparently there is non-compliance of the Regulations and provisions made therein by the Respondent Licensee consequently its liability for payment of compensation as provided in Appendix "A" arises.

9 As far as claim for refund of Rs.500/-, excess, with interest, suffice to say that nothing has been submitted on behalf of the complainant. On the contrary reply filed by the Respondent Licensee clearly shows that complainant utilized the broken pole for installation of their box. In the demand note it has been mentioned cost of broken pole Rs.500/- and according to Respondent Licensee defense to that effect has not been contravened by the Complainant so claim of the complainant in that respect needs to be rejected.

10. . As far as claim of Rs.15.00 lakhs and so, towards loss of agricultural income, suffice to say that it is too remote and this Forum has grave doubt as to whether such claim can be entertained as per claim for compensation under Regulations, It has no base or legal support. Nothing has been brought on record to establish the same.

11 As per learned Secretary of this Forum. The Respondent Licensee has to carry out the work as per seniority list due to huge pendency of Ag.pump applications. There was no intentional delay for providing supply to complainants Ag. Pump. So no compensation needs to be awarded.

12. It is an admitted position that Regulations SOP 2005 and the provisions there under are binding. In view thereof the Forum proceeds to pass the following order per majority. :

Order:

1. Complainant No.376/2012 is hereby partly allowed.
2. Respondent Licensee is directed to pay compensation of Rs.100/- per week from 1.1.2011 till 25.12.2011 when electric connection was provided.
3. Compliance report to be made within three months from the date of receipt of this order.
4. Rest of the claim of the complainant is rejected.
5. Parties to bear costs.

Sd/-

Sd/-

Sd/-

MEMBER **MEMBER SECRETARY** **CHAIRMAN**
CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)
(Order Per Chairman Dtd.: 9th April, 2012)

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
 Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

Shri T.M.Mantri
 Chairman
 (Mb)9673215771

(O) 0712- 2022198

Shri M.G.Deodhar,
 Member
 (M)9422805325

NO. CGRF/NZ/R/

Date :

**Certified copy of order dtd 9th April,2012 in Case No. 376/2012 is enclosed
 herewith.**

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

To.

Shri Shivdas Sambhaji Borkar, At Satephal, New Yashwant Nagar, Near Gajanan Maharaj Temple,
 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.

