

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 10/2013

Shri Namdeo Srawan Chavhan
At.Tadgaon, Po.Mangrul
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) Shri B.V.Betal

Respondents represented by 1) Shri D.W.Bhakare, Assistant Engineer,Samudrapur.

CORAM:

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

JUDGEMENT

(Delivered on 09th day of April, 2013)

Shri Namdeo Shrawan Chavhan, r/o Tadgaon, Post Mangrul, Taluka Samudrapur, Dist.Wardha (hereinafter referred to as, the applicant) is an agriculturist. He applied to the respondent / MSEDCL for new electric connection to his agricultural pump set. It is alleged that neither the respondent maintained the standards of performance prescribed in the MERC (standards of performance of the Distribution licensee, period for giving supply and determination of compensation) Regulations 2005 nor the connection is released. So the applicant claimed compensation as provided under the aforesaid Regulations. He approached the IGRC Wardha. His

application was dismissed by an order passed in case No.SE/Wardha/Tech/IGRC/5160 dated 17-09-2012 This grievance application is directed against the aforesaid order.

2) The respondent submitted parawise replies to the grievance application vide letter bearing No.EE/O&M/H'ghat/Tech/1368 dated 19-03-2013. The case was fixed for personal hearing on 01-04-2013. Shri B.V.Betal, a representative was present for the applicant. Shri D.W.Bhakare, Assistant Engineer, Samudrapur represented the respondent. Both the parties were heard.

3) Shri Betal, a representative vehemently contended that the applicant presented an application for connection to his agricultural pump set on 29-12-2010. A demand note was received to him by post on 29-03-2011. This was not in consonance with the provisions contained in Regulation 4.7 of the SOP Regulations. So he informed the Assistant Engineer, Samudrapur and The Executive Engineer, Hinganghat by a letter dated 19-05-2011. He deposited the demand amount on 29-05-2011. Thereafter he submitted the test report on 16-09-2011 However till today connection is not released to the applicant.

Shri Betal further stated that the respondent say that they carried out the spot inspection. They noticed that proper electrical installation was not there. So the respondent cancelled the test report. However the spot inspection was done without any notice to the applicant. The action taken by the respondent is illegal and improper.

The applicants prayer was as follows (1) The respondent failed to give demand note within the prescribed time. So a compensation may be given. (2) The respondent carried out the spot inspection without 15 days advance notice. The respondent

cancelled the test report. It may be declared that the action is illegal. The respondent may be directed to release the connection on the basis of the test report already submitted by the applicant. (3) The applicant may be awarded compensation of Rs.3,00,000/- towards damages to his agricultural produce, Rs.50,000/- and Rs.4,000/- towards physical and mental harassment, Rs.5,000/- each for the travel expenses and the expenditure of the instant proceedings. (4) The respondent may be directed to release the connection immediately. So also compensation may be awarded for late release of the connection.

4) Shri Bhakare, Assistant Engineer, Samudrapur argued for the respondent. It was stated that the applicant submitted an application on 29-12-2010. Demand note was given on 04-03-2011. The applicant deposited the demand amount on 29-05-2011. He submitted the test report on 16-09-2011. To provide connection to the applicant erection of 1.62 km of L.T. line was necessary. His name was entered in paid pending list of 2011-2012. The electric installation of the applicant was inspected by the staff of the respondent on 27-08-2012. At the time of inspection neither the pump set nor the installation was found on the spot. So the test report submitted by the applicant is cancelled. The applicant has been informed accordingly by a letter dated 15-09-2012. As per provisions contained in the Indian Electricity Rules 1956 the spot inspection was done, advance intimation of the spot inspection is not necessary. The applicant should submit fresh test report to get the connection.

The applicant is not entitled for any compensation. The application may be dismissed in toto.

Shri Bhakare also stated that the work of laying the electric lines upto the agricultural land of the applicant is almost completed. He will be given a connection within a month.

5) The Technical member of the Forum recorded her opinion as under,

The applicant has filed this grievance application against the order passed by IGRC Wardha on 17-09-2012.

After perusal of the documents on record I have observed that the applicant had applied for Ag. Pump connection on 29-12-2010. Demand note was prepared by the respondent on 04-03-2011 and it was sent through post on the same day as alleged by the respondent. The applicant stated that he received the demand note on 29-03-2011. However he did not produce any documents with the grievance application. During hearing on 01-04-2013, the applicant's representative requested to Forum & sought time for submission of the required document to substantiate the fact that he actually received the demand note on 29-03-2011 but failed to submit the same despite the sufficient time has given to him.

As per S.O.P. Regulation 2005, the respondent should have been issued demand note to the applicant within one month in this case upto 29-01-2011. Record shows that it actually issued on 04-03-2011. There is delay of about one month on the part of respondent however applicant claimed compensation on 19-05-2011 which clearly shows that it has been filed after 60 days hence gets time barred & therefore he is not entitled to get compensation.

Record further shows that the applicant paid the demand on 29-05-2011 & submitted test report on 16-09-2011. The respondent visited the spot on 27-08-2012 & inspected the consumer's installation in accordance with section 47 of Indian Electricity Rules 1956.

The said proviso is reproduced as below,

47. Testing of consumer's installation-

(1) Upon receipt of an application for a new or additional supply of energy and before connecting the supply or reconnecting the same after a period of six months, the supplier shall inspect and test the applicant's installation.

The supplier shall maintain a record of test results obtained at each supply point to a consumer, in a form to be approved by the inspector.

(2) If as a result of such inspection and test, the supplier is satisfied that the installation is likely to constitute danger, he shall serve on the applicant a notice in writing requiring him to make such modifications as are necessary to render the installation safe. The supplier may refuse to connect or reconnect the supply until the required modifications have been completed and he has been notified by the applicant.

On plain reading of above it is construed to mean that the respondent's official can conduct test of consumer's installation wiring only when it is complete in all respect and all fittings like motor, other appliances etc. have been connected before the test is carried out. In absence of complete installation, the respondent can not carry out the test of consumer's installation & ask the applicant to remove the difficulties or make such modifications as are necessary to render the installation safe. In this case the

applicant himself agreed that he had removed the motor. Even if in any other case the respondent asked the consumer to remove any defects, the consumer after rectification of defects has to submit completion certificate alongwith test report duly signed by the consumers licensed electrical contractor to the respondent afresh.

In view of above background the applicant shall therefore complete the installation work & wiring on the spot first & submit the test report afresh as the test report submitted earlier was clearly false & not valid.

Therefore in my opinion the applicant is not entitled for any compensation, hence his grievance application should be dismissed.

6) We have heard both the parties. We have perused the record submitted by the parties.

First issue for our consideration is whether the respondent intimated the charges to be borne by the applicant within the prescribed time schedule.

According to the applicant he submitted application on 29-12-2010. In the parawise reply the respondent mentioned the date of application as 29-12-2010. So we conclude that the application for connection was submitted on 29-12-2010. The applicant say that he had received the intimation on 29-03-2011. As per the respondent the intimation was given on 04-03-2011. The applicant produced the xerox copy of the demand note. It is dated 04-03-2011. There is nothing on record to show that the demand note was served on the applicant on 04-03-2011 itself. It is also stated by the parties that the demand note was sent by post. So the date quoted by the applicant is convincing.

Regulation 4.7 of the MERC (SOP) Regulations 2005 reads as under,

“Where the supply to an applicant requires extension or augmentation of distributing main or commissioning of a new sub-station, the distribution licensee shall complete the inspection of premises within seven days and intimate the charges to be borne by such applicant within thirty days from the date of submission of such application for supply regardless of whether the application is deemed to be complete under Regulation 4.2”.

On perusal of the submissions of the respondent, it is seen that to provide the connection, extension / augmentation of the distributing main is necessary. So the respondent should have given a demand note on or before 29-01-2011. The applicant received the demand note on 29-03-2011. So it is clear that the applicant received the demand note late by about two months. As such he is entitled for compensation as provided in Appendix 'A' item 1(ii).

7) It is alleged by the respondent that their representatives visited the spot of proposed connection on 27-08-2012. This was as per the instructions contained in the Indian Electricity Rules 1956, Chapter V, Sr.No.47. It was noticed that the pump set and other installations such as wiring, earthing were not there. Any intimation of such visit is not necessary. So they cancelled the test report.

The applicant forcefully objected this action of the respondent. It was stated that no notice of the visit of the respondent was given to the applicant. The respondent can not cancel the test report submitted by the applicant. It was further stated that he installed the pump set and other installations. However due to theft perception he took

the pump set to his residence. He even produced a receipt of the purchase of the pump set.

After due consideration of the facts and circumstances on record it reveal that the respondent visited the spot of the proposed connection as per the guide lines contained the Rules. However the respondents have not placed on record the spot inspection note, panchnama etc. So what exactly they observed on the spot and in whose presence the spot was inspected is not clear. Secondly the provision quoted by the respondent reads as follows,

47. Testing of consumer's installation-

(1) Upon receipt of an application for a new of additional supply of energy and before connecting the supply or reconnecting the same after a period of six months, the supplier shall inspect and test the applicants installation.

The supplier shall maintain a record of test results obtained at each supply point to a consumer, in a form to be approved by the inspector.

(2) If as a result of such inspection and test, the supplier is satisfied that the installation is likely to constitute danger, he shall serve on the applicant a notice in writing requiring him to make such modifications as are necessary to render the installation safe. The supplier may refuse to connect or reconnect the supply until the required modifications have been completed and he has been notified by the applicant.

On perusal of the above it is clear that if the respondent notice some discrepancy in the installation they may ask the applicant to remove it, however there is no provision

to cancel the test report. As such the action taken by the respondent to cancel the test report can not be upheld. So it is set aside.

8) As discussed above, the applicant submitted an application on 29-12-2010. He deposited the required amount. He also submitted the test report on 16-09-2011. So the application was complete on 16-09-2011. It is admitted fact that the connection is not released till today. It is observed that to provide a connection extension / augmentation of the existing net work is necessary. So the applicant was entitle for connection on or before 16-12-2011, as per the provisions contained under Regulation 4.5 of the MERC (SOP) Regulation 2005. Since the connection is not released till today the applicant is entitled for compensation.

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

10) In view of the aforesaid discussion, we pass the following order, by majority,

ORDER

- i) The application No.10 of 2013 is partly allowed.
- ii) The respondent should pay compensation @ Rs.100/- per week from 29-01-2011 to 29-03-2011 as per the provision of Regulation 4.7 of the SOP Regulations 2005.
- iii) The respondent should release the connection on the basis of the test report received by them on 16-09-2011.
- iv) The respondent should pay compensation @ Rs.100/- per week from 16-12-2011 to 09-04-2013, as provided under Regulation 4.5 of the SOP Regulations 2005.

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

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cgrfnz@gmail.com

NO. CGRF/NZ/

Date :

Certified copy of order dtd 09th April, 2013 in Case No.10/2013 is enclosed
herewith.

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

To,
Shri Namdeo Srawan Chavhan, At.Tadgaon, Po.Mangrul, 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