

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 371/2012

Shri Rajendra Krushnaji Patil,
Pradnyanagar, Tukdoji Ward, Nandori Road,
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.
Ms. S. B. Chiwande, Member-Secretary
Shri M. G. Deodhar, Member.

ORDER

(Per Chairman Dtd. 16th April, 2012)

1 The complainant has approached the Forum in respect of his grievance about delay in providing electric connection and claimed for compensation as per Regulations. The complainant case in brief is that he has submitted application for 3 HP Agricultural connection on 10.03.2009 but the demand note was received late i.e. 17.08.2009, the amount therein was deposited on 18.08.2009 so also Test report was given on 18.8.09. In spite of oral and written requests for electric connection, claim of the complainant has been superseded by the then Asstt.Engineer, Shri Ghorude, whereby complainant has been put to loss of Rs.6.00 lakhs and respondent Licensee is responsible therefore. Complainant has claimed immediate connection & compensation as per Regulations. It is further alleged that the electric connection was provided late on 16.01.12 after filing grievance to Forum. Further allegations have been made that in demand note Rs.500/- has been demanded in excess which deserves to be refunded with interest. For mental harassment caused, the complainant has claimed Rs.30,000/- alongwith Rs.2000/- towards traveling expenses and Rs.1000/- towards filing the proceeding. It is alleged that complainant had approached the IGR Cell on 11.10.2010 wherein order was passed which is not acceptable to the complainant. In any case he has approached this Forum for Redressal of his grievance.

2 Notice was issued to the concerned office of the Respondent Licensee who in turn filed reply stating that the complainant submitted an application dtd. 10.03.2009 in response to that demand note issued on dtd. 03.08.2009. The complainant has paid the demand on 18.08.2009 & submitted Test Report on 18.08.2009. The claim of compensation of Rs. 6,00,000/- & Rs. 23000/- towards mental harassment are additional claims. The Complainant has made claim in excess and without any proof and thus claim needs to be rejected.

3 Complainant's name was included in seniority list. The work of providing electric connection to the consumer who have deposited amount by March 2010 was given to M/s Varad Electricals Pusad on 25.6.2010 and the target was set-up to December 2010. It is stated that in 2010-11 i.e. July,2010 to Oct.2010 it was heavy rains so there was no momentum to the work. In December 2010 some of the agriculturist raised objection. The Superior office considering the same given instructions for completing the said work till March 2011. In view thereof connection could not be provided. However, till March 2011 in all 766 connections have been effected and 52 connection were pending. The directions are issued to provide connections to the complainant's Ag. Pump as early as possible.

4 In the demand note Rs.500/- has been mentioned towards cost of broken pole and it is as per consent of the consumer who installed the meter box on the said pole. Claim for refund of the said amount needs to be rejected. Lastly pressed for dismissal of complaint.

5 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 by both the parties. As observed there is no dispute with regard to date of application & depositing the amount and lastly providing electrical connection to the complainant i.e. 16.01.2012. Admittedly complainant has paid the demand on 18.08.2009 and test report was given on 18.8.2009. It is admitted position and as is clear from record that the complainant pursuing for providing electrical connection time to time such as 28.9.2010, approached to IGR Cell. The copies thereto bears seal and signature of the recipient of the office of the Respondent Licensee. It is further alleged that complainant has lodged written complaint for compensation. During the course of argument it has not been disputed.

6 The complainant representative has referred to the provision of SOP Regulations 2005 in support of his claim for compensation as against this learned representative for Respondent Licensee has submitted that there was no intentional delay and for the reasons given in reply there was delay. Admittedly complainant had to approach the authority even for getting electric connection. The electric connection was given late. Here it is pertinent to note that the alleged seniority list which has been referred to in the reply by Respondent Licensee has not been brought on record. Complainant has categorically averred in the complaint about superseding his connection by the then Asstt.Engr in reply as well as in argument, nothing has been stated on behalf of the Respondent Licensee in that behalf. Keeping silence on such vital averments and as per settle legal position it has to be treated as admission. 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 for drawing adverse inference against it.

7 As already observed that the application of the complainant was completed in all respect as per rules and regulations at the most on 18.8.2009. The regulations referred to have been, Appendix "A" provides time period for SOP by the Licensee. Admittedly here in the present case it is failed to perform SOP prescribed under the Regulations, liability of compensation has provided therein. . Even according to the Respondent there is compliance of provision by the complainant. Except submitted there is no intentional delay nothing has been brought on record in any case the regulations SOP 2005 is binding on the Respondent Licensee. Such excuses which are not covered under this Act, regulations for causing delay in performing standard of performance subsequently complainant is entitled for compensation. Though the complainant has claimed compensation for Rs.6,00,000/- however the same could not be granted in view of the provisions under Regulations SOP 2005. The period prescribed for performance of such acts on the part of Respondent Licensee is of three months subsequently complainant is entitled for compensation at the rate of Rs.100/- per week after the said period of three months.

8 As far as claim for refund of Rs.500/-, excess, with interest, suffice to say that copy of demand note filed on record specifically mentions towards that broken PSC pole. During the course of argument learned representative has admitted about the user of such pole by the complainant consequently the said claim needs to be turned down.

9. As per learned Secretary of this Forum, the Respondent Licensee has to carry out the work as per seniority due to huge pendency of Ag. Pump application. There was no intentional delay and because of rains as well as obstruction by the agriculturist the connection could not be provided, early, hence no compensation needs to be awarded.

10. For the reasons recorded and the conclusion, this Forum proceed to pass the following order per majority.. :

: Order :

1. Complainant No.371/2012 is hereby partly allowed.
2. Respondent Licensee is directed to pay compensation of Rs.100/- per week from 19.11.2009 till 16.01.2012 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/-

MEMBER

Sd/-

MEMBER SECRETARY

Sd/-

CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

(Order Per Chairman Dtd.: 16th 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 16th April,2012 in Case No. 371/2012 is
enclosed herewith.**

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

To,

Shri Rajendra Krushnaji Patil, Pradnyanagar, Tukdoji Ward, 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.

