

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 369/2012

Shri Chandrabhan Daulat Mujbaile,
At Post Burkoni,
Taluka 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 Shri B.V. Betal.

Respondents represented by 1) Shri P.B. Ingle, Jr.Engineer, Hinganghat.

CORAM:

Shri T. M. Mantri, Chairman.

Shri M. G. Deodhar, Member.

Ms. S. B. Chiwande, Member-Secretary.

ORDER
(Per Chairman Dtd. 14th May, 2012)

The complainant has approached this Forum in respect of his grievance for delay in providing electric connection and has also claimed compensation as per rules. The complainant's case in brief is that he has submitted A-1 form on 24/03/2010 for 3 H.P. Ag. Pump connection. The Demand Note was issued on 21/05/2010. Accordingly he has deposited amount on 07/06/2010. The test report was submitted on 08/06/2010. In spite of oral and written requests for electric connection no cognizance has been taken, no electric connection has been provided till date. The complainant then approached to I.G.R.Cell on 22/06/2011, matter was heard on 15/09/2011 but the order of I.G.R.Cell is still awaited hence he approached to this Forum for Redressal of his grievance. He has claimed immediate

connection and compensation of Rs. 2 lakhs on account of delay from the Distribution Licensee towards agricultural losses, Rs. 30000/- for mental & physical harassment, Rs. 2000/- for traveling expenses and Rs. 1000/- towards filing the present proceedings.

2. As per the Rules, notice was given to the concerned office of the Distribution Licensee which in terns filed parawise reply stating that the complainant has made various demands with different authorities and the claims are exorbitant. It is further stated that on account of agricultural losses & for other claims no documents have been filed by the complainant hence the claim of compensation is to be rejected.

3. There is no dispute regarding the dates such as A-1 application, issuing of Demand Note, date of making payment and giving of test report. It is stated that for giving electric connection to the complainant's Ag. Pump low Tension Line was required to be erected so complainant's name was included in the paid pending seniority list of 2010-11. It is further stated that electrification work of agricultural pumps are carried out as per the instructions of the higher offices. Reference has been made to allotment of contract to M/s Host International, Mumbai on dtd. 01/12/2011 alleging that for completing the work paid pending list from 1/4/2010 to 31/05/2010 is given to the said Contractor. Further it is stated that accordingly work is in process such as purchasing of material, obtaining of permission etc. & work will be starting soon. There is no delay on the part of the concerned office of the Distribution Licensee, therefore complaint is to be rejected. Copies of some of the documents have been filed.

4. Heard Shri Betal, Ld. Representative for complainant & Ld. Shri P.B.Ingle, Jr.Engineer on behalf of Distribution Licensee. Written notes of arguments came to be filed on record by the complainant's representative. As observed above it is not in dispute with regard to the date of application, depositing the amount and submission of test report.

5. Admittedly the complainant has deposited the amount as per Demand Note on 07/06/2010 and the Test Report was given on 08/06/2010. The complainant had to approach to IGRC for getting electric connection and compensation there of. The Ld. representative of the complainant has referred to the provisions of S.O.P. Regulations,2005 in support of his claim for compensation. As against this the Ld. Representative of Distribution Licensee has submitted that there is no intentional delay but the supply will be given as per seniority list.

Even he could not made any submission as how much time will require to provide the electric connection except what has been stated in reply about the allotment of work to the Contractor nothing has been submitted on behalf of the Distribution Licensee.

6. As per M.E.R.C. Regulation,2005 period of providing supply of electricity is given. So also the amount of compensation if failure to meet the standard of performance mentioned therein. Admittedly the Test Report was given on 08/06/2010. As per S.O.P. Regulation,2005 period of 3 months is provided in case of extension of line is required. In this case it is admitted position that supply is not provided to the complainant's Ag. Pump. In any case there is failure on the part of the Distribution Licensee to provide electric supply as per Regulation referred to above. Consequently the complainant is entitled for appropriate relief to provide supply as well as for compensation as per the above referred Regulation. As far as claim for Agricultural losses of Rs. 2 lakhs and other claims such as mental harassment, traveling expenses and proceeding fees there is no evidence brought on record. There is nothing in support of such claims. There is a grave doubt as to whether such claim can be entertained. For all these reasons it is to be turned down.

7. According to the Ld. Member Secretary of this Forum there is no intentional delay for supply to the complainant's Ag. Pump but as per seniority list it will be provided. The complainant's cause of grievance about payment of compensation for delay in giving supply will arose only when supply is given to him. In this case the supply is not yet given. The complainant's prayer for compensation for delay in giving supply is premature, in view of the order passed by the Hon'ble Electricity Ombudsman, Mumbai in representation No. 32/2010, hence the complainant is not entitled for compensation.

8. However as already observed above, S.O.P. Regulation, 2005 period of providing supply of electricity is given. More over on going through the S.O.P.Regulation,2005 it is clear that clause 12 there of deals with the determination of compensation. On plain reading of clause 12(i) it is clear that if the Distribution Licensee has failed to meet Standard of Performance specified in the Regulation,2005, "either of its own knowledge or upon written claim filed by affected person". the Distribution Licensee shall be liable to pay compensation as provided in Appendix 'A' to the Regulations. So it is clear from the wording in this clause that period of Standard of Performance mentioned therein has for the Distribution Licensee and it is to perform the said work within the period mentioned

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
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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 14th May,2012 in Case No. 369/2012 is enclosed
 herewith.**

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

To.

Shri Chandrabhan Daulat Mujbaile, At Post- Burkoni,Tq-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.

