

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 20/2013

Shri Prakash Nilkanth Ghaturlle
At. Kopara
Po.Wagholi
Tq.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

Respondents represented by 1) Shri Prashant Ingale, Junior Engineer,Hinganghat.

CORAM:

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

JUDGEMENT

(Delivered on 02nd day of May, 2013)

2. Shri Prakash Nilkanth Ghaturlle, R/o Kopara Po.Wagholi Tq.Hinganghat Dist. Wardha has filed this application in the prescribed proforma on 18-03-2013. He demanded compensation pursuant to the provisions of Regulation 12 of the MERC (S.O.P.) Regulation, 2005 for late release of electric connection to his agricultural pump. A notice was issued to the respondent. The respondent submitted the parawise reply on 02-04-2013. A copy of the same was given to the applicant. The matter was taken up for hearing on 29-04-2013. Shri B.V.Betal, a representative was present for the

applicant. Shri Prashant Ingale, Junior Engineer, Hinganghat was present for the respondent. Both the parties were heard.

3. Brief details of the grievance as stated by the applicant are as under,

The applicant submitted an application for supply of electricity to his agricultural pump on 06-04-2010. The respondent issued demand note on 20-12-2010, intimating the charges for giving supply. The applicant deposited an amount of Rs.5,500/- on 20-12-2010. He submitted the test report on 22-12-2010. The connection is not released till now.

As the connection is not released till today, he suffered a loss of Rs.2.00 Lakhs to his agricultural produce. Further more he demanded compensation of Rs.50,000/- each for physical and mental harassment. He also claimed compensation of Rs.5,000/- each for travel expenses and the cost of the instant proceedings.

The applicant requested that the respondent may be directed to release the power connection immediately. He may be awarded the compensation as stated above. The order passed by the IGRC Wardha is improper. So it may be set aside.

4. The representative of the respondent referred to the written reply dated 02-04-2013. The representative stated that the applicant submitted application on 05-04-2010. He was given demand note on 13-09-2010. The applicant deposited the amount on 20-12-2010 and the test report was submitted on 22-12-2010.

It was further stated that the applicant submitted the grievance application after a period of 60 days after the order of the IGRC Wardha. So the application is time barred. To provide connection to the applicant a transformer of 25 KVA capacity, H.T.

line admeasuring 0.78 Km and L.T. line admeasuring 0.12 Km is necessary. For want of requisite materials the request of the applicant could not be granted in time. His name is included in the paid pending list of the year 2010-2011. The work order of the applicant's who deposited the amount during the period Jun-2010 to March-2011 has been given to M/s Renuka Electricals Nagpur. The basic work to provide a connection to the applicant is over and the connection will be released shortly.

In view of the facts mentioned above there is no delay in providing the connection to the applicant. So the application may be dismissed.

5) According to the Member Secretary of this Forum, supply of electricity to agricultural pumps is carried out under SPA Scheme as per the guidelines given by REC. There is no intentional delay for providing electric connection to complainant's agricultural pump. But because of huge pendency of agricultural pump applications, it is provided as per seniority list, otherwise it will cause great injustice on the part of other applicants who have paid the demand prior to the complainant. The complainant's cause of grievance about payment of compensation for delay in giving supply will arise 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 Hon'ble Electricity Ombudsman, Mumbai in representation No. 32/2010. Therefore, the respondent is not responsible for any losses caused to the complainant. Hence the complainant is not entitle for compensation.

6. We have carefully gone to the entire record of the case documents produced by the parties and also submissions made before us by both of them. On perusal of the

record and as admitted by both the parties the applicant .deposited amount on 20-12-2010 and submitted the test report on 22-12-2010. So his application was complete on 22-12-2010. For giving supply to the applicant installation of transformer is necessary. So as per the provision contained in Regulations 4.6 of the MERC (S.O.P.) Regulation 2005 the applicant was entitle for connection within a period of one year i.e. by 22-12-2011. The connection is not released to till now. So the applicant is entitle for compensation as provided under Regulation 12 and appendix A, item 1(iii) attached to the said Regulations.

The respondent also stated that the application is time barred. However the argument has no force. It was the mandatory responsibility to provide the connection on or before 22-12-2011. Had the respondent released the connection within the prescribed time, the question of claiming the compensation would not have come.

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

The respondent can not deny the binding effect of the MERC (S.O.P.) Regulations 2005. So in view of the provisions under Regulations 4.6, we pass the following order, by majority,

ORDER

- i) The application no.20 / 2013 is partly allowed.
- ii) The respondent is directed to pay compensation @ Rs.100/- per week from 22-12-2011 to 30-04-2013.

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

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,

NAGPUR – 440 013

(O) 0712- 2022198

Email.id- cgrfnz@mahadiscom.in

cgrfnz@gmail.com

NO. CGRF/NZ/

Date :

Certified copy of order dtd 02nd May, 2013 in Case No.20 / 2013 is enclosed herewith.

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

To,

Shri Prakash Nilkanth Ghaturlle, At.Kopara, Po.Wagholi, Tq.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. 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