

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 22/2013

Shri Vivek Shalikrao Dehane
Indira Gandhi Ward,
Opposite Shrivaji Market yard
National Highway
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 this 08th day of May, 2013)

2. Shri Vivek S.Dehane R/o. Indira Gandhi Ward, Hinganghat Dist. Wardha (here inafter referred to as the applicant) is an agriculturist. He applied to MSEDCL for new connection to his agricultural pump set. It is alleged that the respondent failed to maintain the standards of performance prescribed in the MERC (Standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations, 2005. So he claimed compensation as provided under the aforesaid Regulation. He approached the IGRC Wardha. His application was

dismissed by the IGRC by an order passed in case no.SE/Wardha/Tech/IGRC/4812 dated 01-09-2012. This grievance application is directed against the aforesaid order.

3. The respondent submitted parawise reply to the grievance application vide letter bearing No.O&M/H'ghat/Tech/2009 dated 25-04-2013. The case was fixed for personal hearing on 08-05-2013. Shri B.V.Betal, a representative was present for the applicant. Shri Prashant Ingale, Junior Engineer represented the respondent. Both the parties were heard.

4. Shri Betal, a representative vehemently contended that the applicant presented an application for connection to his agricultural pump set on 02-02-2011. A demand note was received by post on 25-03-2011. He deposited the demand amount on 25-03-2011. All the installations were put in order. Those were inspected by the authorized contractor. The test report was submitted to the respondent on 11-04-2011. However till today the connection is not released to the applicant. Shri Betal further stated that as per the respondent, they carried out spot inspection. It was 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 respondents have not submitted any record about the spot inspection. So the action taken by the respondent is illegal and improper.

5. The applicant's prayer was as follows,

(1) The applicant may be awarded compensation, as provided under the S.O.P. Regulations.

(2) The respondent carried out the spot inspection without any advance notice. The respondent cancelled the test report. It may be declared that the action was illegal. The respondent may be directed to release the connection on the basis of test report already submitted by the applicant.

(3) The applicant may be awarded compensation of Rs.2.00 Lakhs towards damages to his agricultural produce, Rs.50,000/- and Rs.60,000/- towards physical and mental harassment, Rs.5,000/- each for travel expenses and the expenditure of the instant proceedings.

6. Shri Prashant Ingale, Junior Engineer Hinganghat argued for the respondent. He referred to the written reply dated 25-04-2013. It was further stated that the applicant submitted an application on 02-02-2011. A demand note was issued on 22-03-2011. The applicant deposited the demand amount on 25-03-2011. He submitted the test report on 11-04-2011. To provide the connection to the applicant's agricultural pump erection of 0.18 Km L.T. line is necessary. His name was entered in paid pending list of 2010-2011. The electric installation of the applicant was inspected by the staff of the respondent on 09-08-2012. At the time of inspection it was noticed that there is a Well in the land of the applicant, however no electric installation was found on the spot. So the test report submitted by the applicant was cancelled. The applicant has been informed accordingly by a letter dated 09-08-2012. As per the provisions contained in the Indian Electricity Rules 1956, Part V Sr.No.47 the spot inspection was carried out. An advance intimation of spot inspection is not necessary. Now the applicant should submit a fresh test report to get the connection.

The applicant is not entitled for any compensation, the application may be dismissed.

7. The Technical member submitted a note as under,

The applicant has filed this grievance application against the order of IGRC Wardha passed on 01-09-2012.

After perusal of the documents on record I have observed that the applicant had applied for Ag. Pump connection on 02-02-2011. Demand note was issued on 22-03-2011 which was received to the applicant on 25-03-2011. According to the applicant after completion of AG. Pump installation he submitted the test report to the respondent's office on 11-04-2011. The applicant on 04-07-2012 approached to IGRC with his grievance and demanded compensation for delay in getting connection to his Ag. Pump. The applicant nowhere mentioned in his grievance application that he had removed the motor for the sake of safety as there were no sign of getting electric connection despite the repeated request made by him to the respondent so also there is no such evidence on record.

The record shows that the respondent's official visited the applicant's Ag. Land on 09-08-2012 for inspection of Ag. 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.

The above proviso clearly implies 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 and ask the applicant to remove the difficulties or make such modifications as are necessary to render the installation safe.

As there was no installation found on the spot, the respondent cancelled the test report. The applicant has objected the action taken by the respondent and suggests that the respondent should give him 15 days notice prior to get electric connection to his Ag. Pump. The applicant neither feels it necessary to inform the respondent about removal of installation from the spot, as and when such removal was done by him nor at

the time of filing the grievance application. Such act of the applicant create suspicion about submission of false test report by him to the respondent's office.

It is the fact which is on recorded in IGRC's order that there was no installation found on the spot, hence respondent could not carry out the test of consumer's installation. Hence in view of above background the applicant shall therefore complete the installation work and wiring on the spot first and submit the test report duly signed by the consumers licensed electrical contractor to the respondent afresh.

It is further stated that the applicant'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 supply is not yet given. The applicant's prayer for compensation for delay in giving supply is premature, in view of order passed by Hon'ble Electricity Ombudsman, Mumbai in representation No.32/2010 & several other cases of similar issues.

Therefore in my opinion the respondent is not responsible for any losses caused to the applicant. Hence the applicant is not entitled for any compensation & his grievance application should be dismissed.

8. We have heard both the parties. We have perused the record submitted by the parties.

Regulation 4.5 of the MERC (S.O.P.) Regulation 2005 reads as under,

"Where the supply of electricity to a premises requires extension or augmentation of distributing mains, the distribution licensee shall give supply to such premises within three months from the date of receipt of complete application in accordance with the

Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply) Regulation 2005".

On perusal of the submissions of the respondent, it is seen, to provide the connection, augmentation of L.T. line is necessary. So as per the aforesaid legal provision, the respondent was bound to release connection within 3 months from the date of the receipt of complete application. The applicant submitted the test report on 11-04-2011. So he was entitle for connection on or before 11-07-2011. The respondents have not released the connection till today. So the applicant is entitle for compensation as provided under Regulation 12.1 and appendix A item 1 (iii).

9. It is alleged by the respondent that their representative visited the spot of the proposed connection on 09-08-2012. The inspection was done as per the instructions contained in the Indian Electricity Rules 1956, chapter V, Sr.No.47. It was noticed that the applicant dug a Well in the land. However other installations such as wiring, earthing were not there. Any intimation of such visit is not necessary. So the test report was cancelled and the respondent was informed accordingly.

. 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.

.After the due consideration of the facts and circumstances on record it reveal that the respondent visited the spot of the proposed connection as per the guidelines

contained in the rules. However the respondents have not submitted any record, such as 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 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 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. Furthermore the respondents have not submitted any record of the spot inspection. So there is no compliance of the legal provision which say, "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". As such the action taken by the respondent, to cancel the test report, can not be upheld. So it is set aside.

10. As discussed above, the applicant submitted an application on 02-02-2011. He deposited the required amount. He also submitted the test report on 11-04-2011. So the application was complete on 11-04-2011. 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 11-07-2011, as per the provisions contained in Regulation 4.5 of the MERC (SOP) Regulation 2005. Since the connection is not released till today the applicant is entitled for compensation.

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

12. In view of the aforesaid discussion, we pass the following order, by majority,

ORDER

- i) The application No.22 of 2013 is partly allowed.
- ii) The respondent should pay compensation @ Rs.100/- per week from 11-07-2011 to 10-05-2013 as per the provision of Regulation 12.1 of the SOP Regulations 2005.
- iii) The respondent should release the connection on the basis of the test report received by them on 11-04-2011.
- iv) For further period, the respondent shall continue to pay compensation to the applicant @ Rs.100/- per week till electric connection is released to the applicant.

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

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Email.id- cgrfnz@mahadiscom.in

cgrfnz@gmail.com

NO. CGRF/NZ/

Date :

Certified copy of order dtd 08rd May,2013 in Case No.22 / 2013 is enclosed herewith.

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

To,

Shri Vivek Shalikrao Dehane, Indira Gandhi Ward, Opposite Shivaji market yard,
National Highway, 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

