

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 388/2012

Shri Wamanrao Nanaji Daf,
At Kachangaon, Post Arvi (Chhoti),
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 21/04/2010 for 3 H.P. Ag. Pump connection. The Demand Note was issued on 03/05/2010. Accordingly he has deposited amount on 01/07/2010. The test report was submitted on 09/07/2010. 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 15/11/2010, matter was heard on 09/03/2011 and order passed on 03/05/2011 but the complainant is not satisfied with the order of I.G.R.Cell hence he approached to this Forum

for Redressal of his grievance. He has claimed immediate connection and compensation of Rs. 3 lakhs on account of delay from the Distribution Licensee towards agricultural losses, Rs. 30000/- for mental harassment, Rs. 2000/- for traveling expenses & Rs.2000/- towards proceeding charges for filing this case.

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 no documents have been filed by the complainant including Inspection Report of the Competent Authority and the certificate. It is stated that IGRC, Wardha after hearing the parties has issued order directing Distribution Licensee to provide electric connection as per seniority list and turned down the claim of compensation.

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. (Which have been corrected by the complainant representative in written notes of arguments). 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 & the availability of funds under SPA Scheme. Reference has been made to allotment of contract to M/s Host International, Mumbai on dtd. 01/12/2011 alleging that copy of instructions for completing the work and paid pending list from 1/4/2010 to 31/05/2010 is given to the said Contractor is annexed. Further it is stated that accordingly work is in process such as purchasing of material, obtaining of permission, inspection etc. and at some place poles have been erected. The electrification work of Ag. pump applicants pending from 1st May,2010 onwards will be completed as per the directives of higher office and seniority list hence the 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 14/06/2010 and the Test Report was given on 08/07/2010. 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 completion of work as per the directives of higher offices 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 08/07/2010. 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. 3 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 orders 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 therein so as to meet the Standard of Performance. Upon failure to do, so the Distribution Licensee has knowledge of its failure and therefore, liability of compensation starts. More over 3rd proviso to clause 12 (2) is providing outer limit of 60 days from the date of rectification. As per the same provision there is bar for not entertaining the claim for compensation if the same is filed after 60 days of removal of deficiency. The wording thereof clearly means that there is no bar for filing such claim prior to that. In view thereof it can not be said that such claim is premature. In any case the period of Standard of Performance is given in the Regulation. These Regulations are binding on Respondent Licensee. So upon considering the matter from all angle this Forum is passing following order per majority.

ORDER

- (1) The Complaint No. CGRF/NZ-R/388/2012 is hereby partly allowed.
- (2) The Respondent Licensee is directed to provide electric supply to the complainant immediately. The Respondent Licensee is further directed to pay compensation @ Rs.100/- per week as per SOP Regulations, from 09/10/2010 till providing of the electric connection to the complainant..
- (3) Compliance report be submitted within three months from the receipt of order.
- (4) In the circumstances, parties to bear their own cost.

Sd/-	Sd/-	Sd/-
<u>MEMBER</u>	<u>MEMBER SECRETARY</u>	<u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)</u>		

(Order Per Chairman Dtd.: 14th May, 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 14th May,2012 in Case No. 388/2012 is enclosed
 herewith.**

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

To,

Shri Waimanalo Nanaji Daf, At Kachangaon Post- Arvi (Chhoti),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.

