

came to be rejected by the IGRC Wardha vide order passed under no.SE/Wr/Tech/IGRC/5505 dated 13-10-2014. Feeling aggrieved by the aforesaid order, the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006 on 23-01-2015.

3. The respondent submitted reply to the application under no.EE/O&M /H'ghat/Tech/782 dated 10-02-2015. The case was fixed for personal hearing on 23-02-2015. Both the parties were represented through their authorized representatives. Both the parties were heard.

4. It was contended on behalf of the applicant that the applicant submitted an application for connection to his agricultural pump on 20-12-2012. A demand note was received on 09-04-2013. The amount as per demand was deposited on 10-12-2013. The test report was submitted on 10-12-2013. In spite of the fact that the application was complete in all respect the respondent failed to release the connection till today. So the compensation as provided under the SOP Regulations may be awarded.

The applicant's prayer was as under,

i) The applicant may be awarded compensation as provided under SOP Regulations. The applicant may be awarded compensation of Rs.2.00 Lakhs towards the loss to agricultural produce, Rs.60,000/- and Rs.70,000/- respectively may be awarded for physical and mental harassment, Rs.5,000/- and Rs.10,000/- may be awarded for travel expenses & the cost of the instant proceeding.

ii) The respondent may be directed to release the connection immediately.

5. This claim of the applicant was contested by the respondent. According to them

the applicant submitted the application on 20-12-2012. A demand note was issued on 09-04-2013. The applicant deposited the amount on 10-12-2013. The test report was submitted on 10-12-2013. To provide the connection to the applicant augmentation to the existing network i.e. installation of 63 KVA Transformer, laying of 0.9 k.m. H.T. line and LT line admeasuring 0.6 k.m. is necessary. Applicant's name is entered in the paid pending list of 2013-14 at sr.no.159. The prayer for compensation is not acceptable. Agricultural connections are already released to the applicants who have deposited the amount till March 2012. The order to give connections to the applicants who have deposited the amount after April 2012 had been issued to a contractor M/s Rudrani Infrastructure Ltd., by name. The connections are released as per the orders from the higher authorities and the availability of funds under SPA scheme. If the applicant want the connection immediately he may apply under non DDF (non refundable) scheme declared by the MSEDCL circular no.4900 dated 12-02-2014. The connection will be released as per seniority. In such circumstances the application may be dismissed.

6. The technical member of the forum submitted a note as under,

I have gone through the documents on record & submissions made by both the parties, it is not disputed that the complainant has completed all the formalities for getting electric connection to his Ag pump. However supply of electricity to agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC, Non Refundable DDF etc . At present, there appears pendency of agricultural pump applications in Hinganghat Division under various schemes. The respondent stated that the work of laying HT/LT lines & T/F for supplying connection is entrusted to the agency & is being

carried out as per the seniority of the applications/applicants who have deposited the demand amount & completed the formalities in all respect. The respondent further stated that the works of paid pending list for the year 2010-11 & 2011-12 have been started. The works for the period of April 2012 onward have been entrusted to M/s Rudrani Infrastructure under Infrastructure-II scheme. The works are started by the agency & are being completed soon.

MSEDCL issued revised guidelines for releasing new agricultural connections vide CE(Dist.)/RE/Ag.pump/4900 dt.12-02-2014 which gives option to applicants to carry out work under Non Refundable DDF scheme by incurring entire expenditure. It appears that the complainant has not opted for getting done his Ag. connection early under the said scheme, hence his name is placed in the seniority list of the year 2013-14 as per demand paid by him.

In view of circumstances mentioned above, we can not held the respondent responsible for the delay in providing electric connection to the complainant's pump. The respondent shall provide the connection to the complainant's Ag pump as per the seniority list, otherwise it will cause great injustice on the part of other applicants who have paid the demand prior to the complainant.

Moreover 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 & other representations where similar issues

were involved.

In view of above I am of the opinion that the respondent is not responsible for delay in giving supply & any losses caused to the complainant. Hence in my opinion the complainant is not entitled for compensation.

7. After hearing the concerned parties and upon perusal of the record, it reveal that the applicant submitted the application in the prescribed form. The respondent received the amount as per rule. The applicant submitted the test report. Name of the applicant is also entered in the paid pending list prepared by the respondent. So it is clear that the application submitted by the applicant is complete in all respect.

It would be appropriate to reproduce Regulation 4.9, which read thus,

4.9 “ Where the supply of electricity to a premise requires commissioning of a new sub-station forming a part of the distribution system, the Distribution Licensee shall give supply to such premises within one (1) year from the date of receipt of the complete application and payment of charges. The commissioning of new sub-station forming a part of the distribution system will include sub-station having transformation from HT to HT or HT to LT or switching station from where the HT distribution lines originate.”

After hearing the parties and upon perusal of the record it reveal that the applicant had submitted the complete application. So it was necessary to release the connection within a period of one (1) year from 10-12-2013. The respondent has not released the connection till today. So the applicant is entitle for compensation as provided under Regulation 12 and appendix A item1 (iii) attached the said Regulations.

The IGRC dismissed the application without formulating any substantial question of law, which is impermissible and that renders the order of the IGRC unsustainable.

8. Other claims of the applicant are not cogent, correct and legal so we are not inclined to accept them.

9. The respondent is bound to abide the SOP Regulations and on its failure to do so the respondent is liable to pay compensation. So the note submitted by technical member can not be considered in toto.

10. In view of the position discussed above, we pass the following order, by majority,

ORDER

- i) For the reasons discussed above, the order passed by the IGRC is hereby set aside. Grievance application no.12 of 2015 is partly allowed. The applicant is entitle for compensation from 11-12-2014 till the connection is released.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 11-12-2014 to 24-02-2015. The payment shall be made within ninety days from the date of receipt of this order.
- iii) The respondent shall pay the remaining amount of compensation as soon as the connection is released to the applicant.
- iv) In the facts and circumstances of the case there shall be no order to costs.

<p>Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u></p>	<p>sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u></p>	<p>sd/- (Vishnu S. Bute) <u>CHAIRMAN</u></p>
<p><u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u></p>		
<p><u>(Nagpur Dtd.24th day of February, 2015)</u></p>		

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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 24th February, 2015 in Case No.12 / 2015 is enclosed herewith.

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

To,
Shri Purushottam M. Javade At.Satephal, Po.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. 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