

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 28/2013

Shri Shivdas Kawadu Kambale
At.Kanchangaon, Po.Arvi(small)
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 V.M.Hedao, Assistant Engineer,Hinganghat.

2) Shri Alok Karande, Junior Engineer, Hinganghat

CORAM:

Shri Vishnu S. Bute, Chairman.

Adv. Gauri D. Chandrayan, Member

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

JUDGEMENT

(Delivered on this 13th day of June, 2013)

2. Feeling aggrieved by the order passed by IGRC Wardha under No.SE/Wardha/Tech/IGRC/2387 dated 22-04-2013, the applicant presented this grievance application on 29-04-2013. Shri Shivdas Kawadu Kambale, R/o. Kanchangaon, Po.Arvi(small), Tq.Hinganghat, Dist.Wardha, (hereinafter referred to as, the applicant) had applied to MSEDCL for new connection to his agricultural pump set. It is alleged that the MSEDCL (the respondent) had not released the connection within the time limit prescribed under the MERC (Standards of Performance of Distribution licensee, period for giving supply and determination of compensation) Regulations,

2005. So he claimed compensation. He approached the IGRC Wardha. His application had been dismissed hence this grievance application.

3 The respondents were directed to submit parawise reply. The reply from the respondent was received under No.EE/O&M/H'ghat//Tech/2407 dated 17-05-2013. The case was taken up for hearing on 04-06-2013. Shri B.V.Betal, a representative, represented the applicant. Shri V.M.Hedao, Assistant Engineer, Hinganghat Rural Sub Division represented the respondent. Both the parties were heard.

4 It was contended on behalf of applicant that he submitted an application for connection to his agricultural pump set on 21-06-2010. He received the demand note on 14-09-2010. He deposited the amount on 11-10-2010. He submitted the test report on 18-10-2010. In spite of the fact that the application was complete in all respect the respondents have not released the connection till today. So he is entitle for compensation as provided under the S.O.P Regulations.

5. The applicant's prayer was as follows,

1) The applicant may be awarded compensation as provided under the S.O.P. Regulations. The applicant may be awarded a compensation of Rs.3.00 Lakhs towards the loss to his agricultural produce. Rs.50,000/- and Rs.40,000/- respectively may be awarded for physical and mental harassment. Rs.5000/- each may be awarded for travel expenses and the cost of the instant proceedings.

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

6. Shri Hedao, Assistant Engineer referred to the parawise reply dated 17-05-2013. It was further stated that the applicant submitted an application on 21-06-2010.

A demand note was issued on 14-09-2010. The applicant deposited the demand amount on 11-10-2010. He submitted the test report on 18-10-2010. To provide the connection to the applicant's agricultural pump, erection of 0.24 Km. L.T. line is necessary. His name is entered in paid pending list of the year 2010-2011. The applicant has not submitted any survey report of the competent authority. His prayer can not be accepted. The connections to the agricultural pumps are released as per the orders from the higher authorities and the availability of funds under S.P.A. scheme. The work to release the connections to the applicants who have deposited the demand amount during the period from June, 2010 to March, 2011 is in progress. All the formalities to release the connection to the applicant are over and the connection would be released by the end of this month. So the application may be dismissed.

7. The Technical Member of this Forum submitted the 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 DDF CCRF etc . At present, there seems to be huge pendency of agricultural pump applications in Hinganghat Division under SPA scheme ,hence the work of laying HT/LT lines & T/F for supplying connection is to be carried out as per the seniority of the applications/applicants who have deposited the demand amount & completed the formalities in all respect. Also there are the instances of standing crops in the field &

the adjacent Agriculturist raises the objections for carrying out the work, therefore the respondent has to wait till the crop season is over.

In view of above there is no intentional delay for providing electric connection to complainant's agricultural pump on the part of respondent . 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. The complainant can get immediate electric supply if he wish to apply under NON DDF CCRF scheme. 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 were similar issues are involved. Therefore, 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.

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.) Regulations, 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”.

9. Upon the perusal of the submissions of the respondent it is seen, to provide the connection augmentation of L.T. line was necessary. So as per the aforesaid legal provision the respondent was bound to release connection within three months from the date of receipt of complete application. The applicant submitted the test report on 18-10-2010. So he was entitle for connection on or before 18-01-2011. 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). The respondent can not deny the binding effect of S.O.P. Regulations. So the note submitted by the technical member can not be considered in toto.

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

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

ORDER

- i) The application No.28 of 2013 is partly allowed.
- ii) The respondent should pay compensation @ Rs.100/- per week from 18-01-2011 to 13-06-2013 as per the provision of Regulation 12.1 of the SOP Regulations 2005.
- iii) For further period, the respondent shall continue to pay compensation to the applicant @ Rs.100/- per week till electricity connection is released to the applicant.

iv) The respondent will submit a compliance report of this order within three months from the date of receipt of the order.

v) No order as to cost.

Sd/-

Sd/-

Sd/-

MEMBER MEMBER SECRETARY CHAIRMAN
CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.13th day of June, 2013)

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

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(O) 0712- 2022198

Email.id- cgrfnz@mahadiscom.in

cgrfnz@gmail.com

NO. CGRF/NZ/

Date :

Certified copy of order dated 13th June,,2013 in Case No.28 / 2013 is enclosed herewith.

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

To,

Shri Shivdas Kawadu Kambale, At.Kanchangaon, Po.Arvi(Small) 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