

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 391/2012

Shri Sanjay Gomaji Patil,
At Jamni, Post - Goji,
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's Representative Shri B.V. Betal.

Respondents Representative : 1) Shri P.B.Ingle, JE, O&M Dn., 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)

1 The complainant has approached the Forum in respect of his grievance about delay in providing electric connection and claimed for compensation as per Regulations. The complainant case in brief is that he had submitted first application for 3 HP Agricultural connection on 08.11.2004, the same was lost by the concerned from the office hence second application was submitted on 21.12.2009, demand note was received on. 11.01.2010, the amount therein was deposited on 08.03.2010 so also Test report was given on 12.03.2010. In spite of oral and written requests for electric connection, no cognizance has been taken, whereby complainant has been put to loss of Rs.2.00 lakhs and respondent Licensee is responsible therefor. Complainant has claimed compensation as per Regulations. It is further alleged that the electric connection was provided late on 25.01.2012 and the complainant has made demand for compensation on 03.02.2012. Further allegations have been made that in demand note Rs.500/- has been demanded in excess which deserves to be refunded with interest. For mental harassment caused, the complainant has claimed Rs.20,000/- alongwith Rs.2000/- towards traveling expenses and Rs.3000/- towards filing the proceeding. It is alleged that complainant had approached the IGR Cell on 15.11.2010 wherein order was passed which is not acceptable to the complainant. In any case he has approached this Forum for Redressal of his grievance.

2 Notice was issued to the concerned office of the Respondent Licensee who in turn filed reply stating that complainant made the complaint before the IGR Cell Wardha. The Cell has passed order and given directions for providing electric supply immediately and other claims are turned down. The electric supply has been provided on 25.01.2012. It is alleged that the claims made by the complainant before Distribution Licensee, I.G.R.C. & Forum are different. In any case the complainant has not filed concerned documents such as inspection by the Competent Authority /Officer and Certificate of loss by the said authority. Hence he is not entitled for anything. Likewise his claim for on other ground also needs to be dismissed.

3 As far as date of submission of application, issuing demand note, remittance of the amount and that of test report, the same have been admitted. Complainant's name was included in seniority list. The work of providing electric connection to the consumer who have deposited amount by March 2010 was given to M/s Varad Electricals Pusad on 25.6.2010 and the target was set-up to December 2010. It is stated that in 2010-11 i.e. in July,2010 to Oct.2010 it was heavy rains so there was no momentum to the work. In December 2010 some of the agriculturist raised objection. The Superior office considering the same given instructions for completing the said work till March 2011. . However, till March 2011 in all 619 connections have been completed but 199 matters remained to be completed. Reference has been made to letter dtd. 25.01.2011 which have filed with the reply on account of natural calamities & standing crops in the filed, some of the agriculturist created obstruction hence work could not be completed. Electric connection to the complainant was provided on 25.01.2012. Thus there is no intentional delay therefore complainant's claim for compensation needs to be rejected.

4 In the demand note Rs.500/- has been mentioned towards cost of broken pole and it is as per consent of the consumer who installed their box on the said pole. Claim for refund of the said amount needs to be rejected. Lastly pressed for dismissal of complaint.

5 Heard Shri Betal, learned representative for the Complainant and Shri Ingle,Jr.Engr., learned representative for the Respondent Licensee. Certain documents came to filed on record by both the parties. As far as first application for Ag. pump connection nothing is brought on record by the complainant. As observed there is no dispute with regard to date of (second) application till depositing the amount and lastly providing electrical connection to the complainant i.e. 25.1.2012. Admittedly complainant has paid the demand on 08.03.2010 and test report was given on 12.03.2010. It is admitted position and as is clear from record that the complainant pursuing for providing electrical connection time to time such as 30.10.2010, 28.9.2011, & approached to IGR Cell. The copies thereto bears seal and signature of the recipient of the office of the Respondent Licensee. It is further alleged that complainant has lodged written complaint for compensation by letter 03.02.2012 and copy thereof is on record with seal and signature of the Respondent on behalf of the concerned office of the Respondent Licensee. During the course of argument it has not been disputed. .

6 The complainant representative has referred to the provision of SOP Regulations 2005 in support of his claim for compensation as against this learned representative for Respondent Licensee has submitted that there was no intentional delay and for the reasons given in reply there was delay. Admittedly complainant had to approach the authority even for getting electric connection. The IGR Cell has passed order in respect thereto. The electric connection was given late. Here it is pertinent to note that the alleged seniority list which has been referred to in the reply by Respondent Licensee has not been brought on record.

7 As already observed that the application of the complainant was completed in all respect as per rules and regulations at the most on 12.03.2010. The regulations referred to have been, Appendix “A” provides time period for SOP by the Licensee. Admittedly here in the present case it is failed to perform SOP prescribed under the Regulations, liability of compensation has provided therein. It is further to be noted that complainant has demanded such compensation even after providing of electric connection on 25.01.2012 by letter dt.03.02.2012 as referred to above. Even according to the Respondent there is compliance of provision by the complainant. Except submitted there is no intentional delay nothing has been brought on record. In any case the regulations SOP 2005 is binding on the Respondent Licensee. Such excuses which are not covered under this Act, regulations for causing delay in performing standard of performance subsequently complainant is entitled for compensation. Though the complainant has claimed compensation for Rs.2,00,000/- however the same could not be granted in view of the provisions under Regulations SOP 2005. The period prescribed for performance of such acts on the part of Respondent Licensee is of three months where work of extension of line is involved, subsequently complainant is entitled for compensation at the rate of Rs.100/- per week after the said period of three months.

8 As far as claim for refund of Rs.500/-, excess, with interest, suffice to say that copy of demand note filed on record specifically mentions towards that broken PSC pole. During the course of argument learned representative has admitted about the user of such pole by the complainant consequently the said claim needs to be turned down.

9. As per learned Secretary of this Forum, the Respondent Licensee has to carry out the work as per seniority due to huge pendency of Ag. Pump application. There was no intentional delay and because of rains as well as obstruction by the agriculturist the connection could not be provided early hence no compensation needs to be awarded.

10. For the reasons recorded and the conclusion, this Forum proceed to pass the following order per majority.. :

: Order :

1. Complainant No.391/2012 is hereby partly allowed.
2. Respondent Licensee is directed to pay compensation of Rs.100/- per week from 13.06.2010 till 25.01.2012 when electric connection was provided.
3. Compliance report to be made within three months from the date of receipt of this order.
4. Rest of the claim of the complainant is rejected.
5. Parties to bear costs.

Sd/-

MEMBER

Sd/-

MEMBER SECRETARY

Sd/-

CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

(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. 391/2012 is enclosed
herewith.**

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

To,

Shri Sanjay Gomaji Patil, At Jamni Post Goji, 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.

