

vide order passed under no.SE/Wardha/Tech/IGRC/474 dated 22-01-2015. 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 06-02-2015.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EE/O&M /H'ghat/Tech/1062 dated 26-02-2015. The case was fixed for personal hearing on 16-03-2015. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat & Shri G.C.Chavan, Dy.Executive Engineer, Hinganghat(U), represented the respondent. Both the parties were heard.

4. It was contended on behalf of the applicant that he submitted an application for connection to his agricultural pump on 22-02-2012. He received demand note on 04-08-2012. He deposited the amount as per demand on 06-09-2012. He submitted the test report on 06-09-2013. In spite of the fact that the application was complete in all respect the respondent failed to release the connection within the stipulated period given under SOP Regulations. He got the connection on 10-01-2015. So he is entitled for compensation as provided under the SOP Regulations.

The applicant's prayer was as under,

The applicant may be awarded compensation as provided under SOP Regulations. The applicant may be awarded compensation of 2.00 Lakhs towards the loss to his agricultural produce, Rs.30,000/- and Rs.20,000/- respectively may be awarded for physical and mental harassment, Rs.5,000/- and Rs.10,000/- respectively may be

awarded for travel expenses & the cost of the instant proceeding.

5. Shri Chavan, Dy.Executive Engineer, referred to the parawise reply dated 26-02-2015. It was further stated that the applicant submitted the application on 22-02-2012. A demand note was issued on 04-08-2012. The applicant deposited the amount on 06-09-2012. He submitted the test report on 08-09-2012. It was proposed to give connection to the applicant after the connections are given to Shri Namdeo Ganpatrao Tapase and Smt. Chaya Naik. To provide connections to these farmers installation of a transformer was necessary. Thereafter to give connection to the applicant laying of LT line admeasuring 0.18 k.m. was necessary. The applicant was aware of this position. He gave written undertaking to that effect on 16-08-2012. The applicant has been given connection on 29-01-2015. The applicant has not submitted any survey report of any competent authority. His prayer is not acceptable. The connections to the agricultural pumps are released as per the orders from the higher authorities and availability of funds under SPA scheme. Since the applicant has been given the connection he may not be awarded any compensation. So 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. The applicant is an agriculturist residing at Hinganghat. He had applied for new agricultural connection in his field on 22.02.2012.As the Voltage regulation of existing T/F was more than the prescribed limit from which the connection was suppose to be given to the applicant & two other agriculturist. The respondent had already been proposed new transformer of 63 KVA,HT line 0.06 km & LT line of 0.54 km for two

agriculturists namely Shri.Namdeo Ganpat Tapase & Smt.Chaya Prakash Naik who had applied before the applicant. The said estimate was sanctioned by the respondents office vide sanction No.EE/O&M/HGT/T/Estt/Infra-I/86 Dt.28.12.2011.As the applicant applied on 22.02.2012,the separate work order was sanctioned on 19.05.2012 with further extension of LT line 0.18 km on proposed New DTC. The respondent issued demand Note to the applicant on 04.08.2012 in which it was mentioned that the connection is proposed on New DTC. The applicant himself was aware of the fact that he would be given connection only after erection of New Transformer, HT Line 0.06Km ,LT line of 0.54 Km & after further extension of 0.18 Km LT line. The applicant paid the demand & submitted Test report on 08.09.2012. The Work of T/F ,HT & LT line was completed on 19.12.2014 for two agriculturist who had applied before the applicant .

The applicant filed his grievance before IGRC on 01.01.2015 & thereafter to Forum on 06.02.2015 for compensation. The main allegation of the applicant is that he should be compensated by considering LT extension of 0.18 km in which the period for giving supply was given only three months & not as contended by the respondent. The respondent however asserted that the applicant's Ag connection was proposed on New T/F which was specifically mentioned in the Demand note. They contended that the Hon'ble Commission has given 1 year time period to give supply in case the work involves commissioning of New T/F. They further contended that the Forum has already decided the matter in case No.130/2014 of Shri.Namdeo Ganpat Tapase Vg. Hinganghat.

Thus, from the documents on record, it is apparent that it is not possible to give connection to the applicant unless new transformer is erected. The applicant was aware of the this fact. He had given his consent. The T/F and allied work was completed on 19.12.2014. According to the respondent, the applicant's Ag pump line work involving LT extension of 0.18 Km was completed thereafter as per seniority list & connection was released on 29.01.2015.

In view of circumstances mentioned above in my opinion there observed no delay for providing electric connection to the applicant's agricultural pump on the part of respondent . The respondent has provided the connection to the applicant's Ag pump on 29.01.2015 as per the seniority list. As the connection is already given to the applicant's agricultural pump, no compensation needs to be awarded .

7. We have perused the record. We have heard the arguments advanced by both the parties.

It is admitted position that the applicant submitted the application in the prescribed form. He deposited the amount as per rule. He submitted the test report. His name is also entered in the paid pending list prepared by the respondent. So it is clear that the application submitted by the applicant was complete in all respect.

Regulation 4.9 prescribed the time limit for release of connection, it reads as under,

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 he was entitle for connection within a period of one (1) year from 08-09-2012. The respondents released the connection on 10-01-2015. So he is entitle for compensation as provided under Regulation 12 and appendix A item1 (iii) attached the said Regulations.

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

9. The respondent can not deny binding effect of SOP Regulations. 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) Application No.18 of 2015 is partly allowed. The applicant is entitle for compensation from 09-09-2013 till the connection is released to him.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 09-09-2013 to 10-01-2015. The payment shall be made within ninety days from the date of receipt of this order.
- iii) No order as to cost.

Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u>	sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u>	sd/- (Vishnu S. Bute) <u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.17th day of March, 2015)</u>		

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

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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 17th March, 2015 in Case No.18 / 2015 is enclosed herewith.

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

To,
Shri Devidas Ganpatrao Tapase, Nishanpur ward, 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

