

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 26/2014

Smt. Sunanda Deorao Shambharkar,
At. Takli Po.Sirasgaon
Po.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, Authorized representative
Respondents represented by	1) Shri M.S.Vaidya, Executive Engineer, Hinganghat 2) Shri V.M.Hedao, Assistant Engineer Hinganghat (R)

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 28th day of April, 2014)

2. Smt. Sunanda Deorao Shambharkar, r/o Takli Po.Sirasgaon, Tq.Hinganghat, Dist.Wardha (hereinafter referred to as, the applicant) had applied to the distribution licensee MSEDCL (hereinafter referred to as, the respondent) for new connection to her agricultural pump set. It is the contention of the applicant that inspite of the fact that she completed all the formalities the respondent had not released the connection within the time limit prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. She approached the IGRC Wardha. As per the applicant the IGRC heard the

case, however she has not received the order till today. The applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006 on 10-03-2014.

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/1195 dated 01-04-2014. The case was fixed for personal hearing on 21-04-2014. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat & Shri V.M.Hedao, Assistant Engineer, Hinganghat (Rural), represented the respondent. Both the parties were heard.

4. It was contended on behalf of the applicant that she submitted an application for connection to his agricultural pump on 27-01-2010. She received demand note on 24-02-2010. She deposited the amount as per demand on 08-07-2010. She submitted the test report on 12-07-2010. In spite of the fact that the application was complete in all respect the applicant got connection on 25-05-2013. She made compliance of the provisions of Regulation 12.2 on 18-07-2013.

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.1.00 Lakh towards the loss to her agricultural produce, Rs.50,000/- each may be awarded for physical and mental harassment, Rs.2,000/- each may be awarded for travel expenses & the cost of the instant proceeding.

5. Shri Hedao, Assistant Engineer, referred to the parawise reply dated 01-04-2014. It was further stated that the applicant submitted the application on 27-01-2010. A demand note was issued on 24-02-2010. The applicant deposited the amount on 02-07-2010. She submitted the test report on 12-07-2010. To provide the connection to the applicant erection of L.T. line admeasuring 0.18 k.m. is necessary. Her name is entered in the paid pending list of year 2010-11. A power connection is released to the applicant on 25-05-2013. In view of the aforesaid circumstances the applicant is not entitle for compensation. 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's application was complete in all respect on 12.07.2010, the day on which the test report had been submitted by her to the respondent's office. However the supply of electricity to the agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC, Non DDF CCRF etc. The complainant's Ag pump application was sanctioned under SPA scheme As there was huge pendency of agricultural pump applications in Hinganghat Division under SPA scheme, hence the work of laying HT/LT lines & T/F for supplying connections was entrusted to the agency & being carried out as per the seniority of the applications/ applicants who deposited the demand amount & completed the formalities in all respect.

MSEDCL's circular 22197 of 20.05.2008 regarding NON DDF CCRF Scheme , gives option to applicants to carry out the works, get supply early and get refund of the

costs incurred, through future electricity bills. The complainant had not opted under the said scheme for early connection.

In view of circumstances mentioned above in my opinion there observed no intentional delay for providing electric connection to the complainant's agricultural pump on the part of respondent. The respondent has provided the connection to the complainant's Ag pump on 25.05.2013 as per the seniority list. As the connection is already given to the complainant's agricultural pump, no compensation needs to be awarded to the complainant.

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. She deposited the amount as per rule. She submitted the test report. Her 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 4.5 prescribe the time limit for release of connection, it reads as under,

4.5 Where the supply of electricity to a premises requires extension or augmentation of distribution mains, the distribution licensee shall give supply to such premises within three (3) 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,) Regulations, 2005.

After hearing the parties and upon perusal of the record it reveal that the applicant had submitted the complete application. So she was entitle for connection within a period of three (3) months from 12-07-2010. The respondents have not released the connection within the stipulated period. So she 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.26 of 2014 is partly allowed. The applicant is entitle for compensation from 13-10-2010 to 25-05-2013.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 13-10-2010 to 25-05-2013. The payment shall be made within ninety days from the 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. 28th day of April, 2014)</u>		

CONSUMER GRIEVANCE REDRESSAL FORUM
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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 28th April, 2014 in Case No.26 / 2014 is enclosed herewith.

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

To,
Smt. Sunanda Deorao Shambharkar At.Takli Po.Sirasgaon 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