

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 36/2013

Shri Hari Wamanrao Borkar
At.Jamni, Po.Goji
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 M.S.Vaidhya, Executive Engineer, Hinganghat
2)Shri V.M.Hedao, Assistant Engineer,Hinganghat.

CORAM:

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

JUDGEMENT

(Delivered on this 29th day of June, 2013)

2) Feeling aggrieved and dissatisfied with the order passed by the IGRC Wardha under No.SE/Wardha/Tech/2389 dated 22-04-2013, Shri Hari Waimanalo Borkar (hereinafter referred to as, the applicant) has presented this grievance application. It is the contention of the applicant that the respondent MSEDCL failed to give him electricity connection within the time frame provided under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. So he is entitle for compensation. He approached the IGRC Wardha. His application was dismissed by the aforesaid order. So he presented this

grievance application under the provisions of Regulation 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

3) A notice was given to the respondent MSEDCL. The respondent submitted parawise reply to the application under No.EE/O&M/H'ghat/Tech/2598 dated 28-05-2013. The case was fixed for personal hearing on 17-06-2013. Shri B.V.Betal authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri V.M. Hedao, Assistant Engineer, Hinganghat represented the respondents. Both the parties were heard.

4) After hearing the parties and upon perusal of the record, we have framed the following issues for consideration,

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|---|------------------------------------|
| (i) Whether the applicant submitted the complete application and whether he had completed all the formalities ? | Yes |
| (ii) Whether the applicant is entitle for compensation ? | Yes |
| (iii) What order ? | The application is partly allowed. |

REASONS

5) (i) Shri B.V.Betal, submitted that the applicant submitted an application for supply of electricity to his agricultural pump on 28-04-2011. The respondent issued a demand note on 14-07-2011. The applicant deposited the amount as per demand note on 22-07-2011. He submitted the test report on 29-07-2011. Shri Betal urged that the application was complete in all respect and the applicant completed all required formalities. So he was entitle for connection within the time frame prescribed under the

MERC (standards of performance of Distribution licensees, period for giving supply and determination of compensation) Regulations 2005.

In reply, the respondent admitted that the application was submitted on 28-04-2011. The demand note was issued on 01-06-2011. The respondent admitted that the applicant deposited the demand amount on 22-07-2011, and he submitted the test report on 29-07-2011.

In view of the aforesaid position, it is ample clear that the application submitted by the applicant was complete in all respect. So we record our finding against issue No.i in affirmative.

6) (ii) 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 require 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 MERC (Electricity supply code and other conditions of supply) Regulations, 2005.

According to the applicant he had submitted the complete application. So he was entitle for release of connection within the period of three months from 29-07-2011. The respondents have not released the connection till today. So he is entitled for

compensation as provided under Regulation 12. In addition to this he may be awarded a compensation of Rs.2 Lakhs towards loss to his agricultural produce. He may be given Rs.50,000/- and Rs.40,000/- respectively for physical and mental harassment. Rs.5,000/- each may be awarded towards travel expenses and the cost of the instant proceeding. The respondents may be directed to release connection immediately.

The respondent refuted the claim of the applicant. It was stated, to provide the connection to the applicant it is necessary to lay L.T. line admeasuring 0.12 Km.. The name of the applicant is entered at Sr. No. 91 of 2011-2012 paid pending list. The connections are released as per seniority list. The connections are released as per the orders from the higher authorities and the availability of grant under SPA scheme. As per the orders of the higher authorities, the work to release the connections to the applicants, who have deposited the amount during the period from June, 2010 to March, 2011 has been taken in hand. There is no delay in release of connection to the applicant. So he is not entitle for any compensation.

On perusal of the aforesaid position it is admitted position that the applicant deposited the amount as per demand note on 22-07-2011. He submitted the requisite test report on 29-07-2011. His name is included in the paid pending list also. This means the application was complete in all respect and the requisite amount was also deposited. As per the submission of the respondent to provide the connection augmentation to distributing mains is necessary. In such circumstances the applicant was entitle for connection on or before 30-10-2011. The connection is not given to him till today. So the applicant is entitle for compensation as provided under Regulation 12

and appendix A item 1(iii) attached to the said Regulations. Hence issue No. ii is answered in the affirmative.

7) The technical member of the forum submitted a note which reads 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.

The delay occurs mainly because there are the instances of standing crops in the field & in such situation, the adjacent Agriculturist raise the objections for actually 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 the 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 early supply if he wish to apply under NON DDF CCRF Scheme. 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.

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. 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.

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

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.

9) (iii) In view of the aforesaid discussion, we pass the following order, by majority.

ORDER

- i) Application No.36 of 2013 is partly allowed.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 30-10-2011 till the date when electric connection would be actually released to the applicant.

**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 29th June,,2013 in Case No.36 / 2013 is enclosed herewith.

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

To,
Shri Hari Wamanrao Borkar, At.Jamni, Po.Goji, 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