

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 46/2013

Shri Govinda Bapuna Dhone
At.Tadgaon, Po.Mangrul
Tq.Samudrapur
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 H.M.Patil, Junior Engineer, Samudrapur.

CORAM:

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

JUDGEMENT

(Delivered on this 25th day of July, 2013)

2. Feeling aggrieved and dissatisfied with the order passed by the IGRC Wardha under No.SE/Wardha/Tech/2960 dated 20-05-2013, Shri Govinda Bapuna Dhone (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 and 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/3448 dated 06-07-2013. The case was fixed for personal hearing on 22-07-2013. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri H.M.Patil, Junior Engineer, Samudrapur represented the respondent. Both the parties were heard.

4. Shri Betal, authorized representative contended that the applicant submitted an application for supply of electricity to an agricultural pump on 29-12-2010. The respondent issued a demand note on 13-03-2011. The applicant deposited the amount as per demand note on 26-04-2011. He submitted the test report on 08-12-2011. Shri Betal argued that the application was complete in all respect and the applicant completed all required formalities. So he was entitle for connection within time framed prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. The respondents have not released the connection till today so compensation as provided under Regulation 12 may be awarded to him.

He may be given Rs.50,000/- each for physical and mental harassment. Rs.5000 each may be awarded towards travel expenses and the cost of the instant proceeding. The respondent may be directed to release the connection immediately.

5. In reply the respondent admitted that the application was submitted on 29-10-2010. A demand note was issued on 23-02-2011. The respondent admitted that the applicant deposited the demand amount on 26-04-2011 and he submitted the test report on 08-12-2011.

It was further stated, to provide the connection to the applicant it is necessary to lay L.T.line admeasuring 1.62 k.m. The name of the applicant is entered at Sr.No.49 of 2012-2013 paid pending list. The connections are released as per seniority list. The connections are released as per the orders from the higher authority and availability of grand under SPA scheme. As per the order of the higher authority the work to release the connections to the applicants, who have deposited the amount during the period 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.

6. The technical member of this 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. While at the time of execution of work (as per seniority list)

there are the instances of standing crops in the field ,the objections are being raised by the adjacent Agriculturist, hence the respondent has to wait till the crop season is over to carry out the work.

In view of circumstances mentioned 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.

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 being 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.

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 also submitted the test report. His name is also entered in the paid pending list prepared by the respondent. So it is ample clear that the applicant submitted the application which is 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 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 08-12-2011. The respondents have not released the connection till today. So he is entitle for compensation as provided under Regulation 12 and appendix A item 1 (iii) attached to 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.

The respondent can not deny binding effect of SOP Regulation. So the note submitted by technical member can not be considered in toto.

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

ORDER

- i) Application No.46 of 2013 is partly allowed.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 09-03-2012 to till the date when electric connection would be actually released to the applicant.
- iii) In the facts and circumstances of the case we order no cost.

Sd/- (Adv.Gauri D.Chandrayan)	Sd/- (Ms.S.B.Chiwande)	Sd/- (Vishnu S. Bute)
<u>MEMBER</u>	<u>MEMBER SECRETARY</u>	<u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.25th day of July, 2013)</u>		

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

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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 25th July,,2013 in Case No.46 / 2013 is enclosed herewith.

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

To,
Shri Govinda Bapuna Dhone, At.Tadgaon, Po.Mangrul, Tq.Samudrapur, 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