

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 109/2013

Shri Bhaurao Vithoba Badkhal
At.Murpad, Po.Kajalsara
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

CORAM:

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

JUDGEMENT

(Delivered on this 13th day of January, 2014)

2. Shri Bhaurao Vithoba Badkhal, r/o Murpad, po.Kajalsara, 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 his agricultural pump set. It is the contention of the applicant that inspite of the fact that he 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. He approached the IGRC Wardha. The IGRC Wardha dismissed his application

vide order passed under no.SE/Wardha/Tech/IGRC/6413 dated 12-11-2013. 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 11-12-2013.

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/34 dated 02-01-2014. The case was fixed for personal hearing on 13-01-2014. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri V.M.Hedao, Hinganghat 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 12-12-2011. He received demand note on 03-02-2012. He deposited the amount as per demand on 23-02-2012. He submitted the test report on 02-03-2012. In spite of the fact that the application was complete in all respect the respondent has not released the connection till today. So he is entitled for compensation as provided under the SOP Regulations.

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.1.5 Lakhs towards the loss to his agricultural produce, Rs.50,000/- each may be awarded for physical and mental harassment, Rs.4,000/- each may be awarded for travel expenses & the cost of the instant proceeding.

ii) The respondent may be directed to release the connection immediately.

5. Shri V.M.Hedao, referred to the parawise reply dated 02-01-2014. It was further stated that the applicant submitted the application on 12-12-2011. A demand note was issued on 03-02-2012. The applicant deposited the amount on 23-02-2012. He submitted the test report on 02-03-2012. To provide the connection to the applicant construction of 63 KVA transformer, laying of H.T. line admeasuring 0.72 k.m. and erection of L.T. line admeasuring 0.30 k.m. is necessary. His name is entered in the paid pending list of year 2011-12 at sr.no.295. 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. If the applicant wants the connection immediately, he may apply for connection under non DDF (CC & RF) scheme started as per MSEDCL circular no.22197 dated 20-05-2008. The work to release the connections to the applicants who have deposited the demand amount during the period June 2010 to March 2011 is in progress. The connection will be released as per the seniority of the applicant. 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, 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 entrusted to the agency & is being 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 were the instances of standing crops in the field, the objections were raised by the adjacent Agriculturist, hence the respondent had left only those works & move forward as per seniority for supplying electricity to Ag. Pump connection

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 has not opted under the said scheme, hence his name is placed in seniority list as per the demand paid by him.

In view of circumstances mentioned above, we can not held the respondent responsible for the delay for providing electric connection to the complainant's agricultural pump. 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.

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 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 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 commissioning of a new sub station forming part of the distribution system, the distribution licensee shall give supply to such premises within one (1) year from the date of receipt of complete application in accordance with the MERC (Electricity supply code and other conditions of supply,) Regulations, 2005.

After hearing the parties and upon perusal of the record it reveal the applicant had submitted the complete application. So he was entitle for connection within a period of one (1) year from 02-03-2012. The respondents have not released the connection till today. 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.109 of 2013 is partly allowed. The applicant is entitle for compensation from 03-03-2013 till the connection is released to him.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 03-03-2013 to 13-01-2014. The payment shall be made within ninety days from the receipt of this order.
- iii) The respondent shall pay the remaining amount of compensation as soon as the connection is released to the applicant.
- iv) 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.13th day of January, 2014)</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 13th January, 2014 in Case No.109 / 2013 is enclosed herewith.

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

To,
Shri Bhaurao Vithoba Badkhal, At.Murpad, Po.Kajalsara, 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