

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 49/2013

Shri Bhagwan Shankar Borkar
Yashwant Nagar, Opposite Wooden Toll
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 25th day of July, 2013)

2. Feeling aggrieved and dissatisfied with the order passed by the IGRC Wardha under No.SE/Wardha/Tech/2966 dated 20-05-2013, Shri Bhagwan Shankar 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 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/3306 dated 02-07-2013. 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 V.M.Hedao, Assistant Engineer, Hinganghat 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 13-04-2010. The respondent issued a demand note on 14-06-2010. The applicant deposited the amount as per demand note on 24-06-2010. He submitted the test report on 26-06-2010. 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 released the connection on 25-01-2013. So compensation as provided under Regulation 12 may be awarded to him.

It was further stated that he may be awarded a compensation of Rs.3 Lakhs towards the loss of agricultural produce. 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.

5. In reply the respondent admitted that the application was submitted on 13-04-2010. A demand note was issued on 14-06-2010. The respondent admitted that the applicant deposited the demand amount on 24-06-2010 and he submitted the test report on 28-06-2010.

It was further stated, to provide the connection to the applicant it was necessary to lay L.T.line admeasuring 0.78 k.m. The connections are released as per seniority list. The connections are released as per the orders from the higher authority and availability of grant under SPA scheme.. There is no delay in release of connection to the applicant. So he is not entitle for any compensation.

6. The Hon. Member & technical member of this forum submitted a note which reads as under,

We have gone through the documents on record & submissions made by both the parties, it is not disputed that the complainant's application was completed in all respect on 28.06.10, the date on which he submitted the test report to the respondent's office. However the supply of electricity to 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 carried out as per the seniority of the applications/applicants who deposited the demand amount & completed the formalities in all respect. According to the complainant the supply to his Ag pump

was given on 25.01.2013, but he couldn't produce any evidences to show that the supply was actually given to his Ag pump on 25.01.2013 in support of his say. The respondent however said that it has provided the connection to the complainant's Ag pump by extending 0.78 km L.T line on 09.01.2013 as per official record.. We confirm the date submitted by the respondent that the supply was actually given on 09.01.2013.

Regulation 12 of MERC(SOP) regulation 2005 relating to Determination of Compensation specifies that,

"12. Determination of Compensation

*12.1 Where the Distribution Licensee finds that it has failed to meet the standard of performance specified under these Regulations, either of its own knowledge, or upon written claims filed by any person affected, the Distribution Licensee shall be liable to pay such person and all other persons similarly affected, such compensation as has been determined by the Commission in **Appendix A** to these Regulations:*

Provided that the Distribution Licensee shall compensate the person (s) affected not later than two billing cycles.

12.2 Failure by Distribution Licensee to pay, the compensation in accordance with Regulation 12.1 shall constitute a Grievance which shall be dealt with in accordance with the procedure set out in Grievance Redressal Regulations:

*Provided that in case the claim for compensation is upheld by the Forum, the compensation determined by the Commission in **Appendix A** to these regulations will be implemented by Forum or in the case of appeals filed against Orders of the Forum before him, by the Ombudsman appointed or designated by the Commission under sub-section (6) of section 42 of the Act:*

Provided further that such compensation shall be based on the classification of such failure as determined by the Commission under the provisions of section 57 of the Act and the payment of such compensation shall be made by the Distribution Licensee within ninety days of a direction issued by the Forum or by the Ombudsman, as the case may be:

Provided also that no claim for compensation shall be entertained if the same is filed later than a period of sixty days from the date of rectification of the deficiency in performance standard:

Provided also that such compensation shall be paid or adjusted in the consumer's bill issued subsequent to the award of compensation.”

It is apparent from above that there has been delay in providing connection to the complainant's Ag pump as laid down in SOP regulation 2005. The complainant is therefore entitled for compensation for delay in giving supply at Rs.100/- per week or part thereof delay. However he failed to claim any compensation within a period of 60 days from 9th January ,2013. If the complainant feels that he was entitled to be compensated for delay in giving supply ,he should have approached to claim compensation within stipulated time as stated in regulation 12.2 of SOP regulation 2005. He filed complaint before the IGR cell on 22nd March,2013 ,which is also beyond the period of 60 days.

Therefore we opine that the complainant is not entitled for compensation ,since the claim of compensation for the delay in giving supply is filed beyond 60 days in terms of

regulation. Hence the application should be rejected being not submitted within stipulated time.

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. . So it is ample clear that the applicant submitted the application which 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 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.

The applicant submitted the test report on 28-06-2010. So he was entitle for release of connection within the period of three months from 28-06-2010 i.e on or before 28-09-2010. The connection was not given during this time. So he is entitle for compensation as provided under Regulation 12 and appendix A item 1 (iii) attached to the said Regulations. The applicant say that the connection was given on 25-01-2013. However there is no evidence on record in support of his say. The respondent say that

as per office record the connection was released on 09-01-2013. So we confirm that the connection was given on 09-01-2013.

Naturally the applicant is entitle for compensation @ Rs.100/- per week for the period from 28-09-2010 to 09-01-2013. However the Hon. Member and the technical member of the forum expressed opinion that the applicant is not entitle for compensation as he has not claimed it within the stipulated time as provided in Regulation 12.2 of SOP Regulations 2005. He filed complaint before the IGRC on 22-03-2013, which is also beyond the period of 60 days.

On perusal of the record it reveal that the applicant submitted one application to the Assistant Engineer, Hinganghat on 21-03-2013. He approached IGRC on 22-03-2013. As per the aforesaid legal provision he should have approached the respondent on or before 09-03-2013. So he was late by 12 days.

However the respondent never raised the point of limitation. So point raised by Hon. Members is out of the submissions of the parties. Needless to say the approach in such matter has to be liberal as well as a balanced one. Thus the view expressed by the members on this score is not sustainable

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

9. As per the provisions contained in Regulation 8 of the MERC (CGRF & E.O.) Regulations 2006, the decision is to be taken by majority of votes of the members. In the instant case the Chairman is of the opinion that the applicant is entitle for

compensation under Regulation 4.5 read with Regulation 12 of the SOP Regulations 2005. However other two members of the forum did not agree with it.

So we pass the following order, by majority.

ORDER

- i) Application No.49 of 2013 is hereby dismissed.
- ii) Parties are left to bear their own cost..

Sd/-
(Adv.Gauri D.Chandrayan)
MEMBER

Sd/-
(Ms.S.B.Chiwande)
MEMBER SECRETARY

Sd/-
(Vishnu S. Bute)
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.25th day of July, 2013)

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

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NAGPUR – 440013

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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.49 / 2013 is enclosed herewith.

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

To,
Shri Bhagwan Shankar Borkar, Yashwant Nagar, opposite wooden toll,
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