

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 53/2013

Shri Bhaiyyalal Jaikisan Katmusare
At.Arvi, Po.Girad
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 S.S.Wandhare, Junior Engineer, Samudrapur.

CORAM:

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

JUDGEMENT

(Delivered on this 01st day of August, 2013)

2. Shri Bhaiyyalal Jaikisan Katmusare (hereinafter referred to as, the applicant) 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 the respondents have not given him the connection till now. As such he is entitle for compensation as provided under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. He approached the IGRC Wardha. His application had been dismissed vide order passed under no.SE/Wardha/Tech/IGRC/2959 dated 20-05-2013. Feeling

aggrieved by this order the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006.

3. A notice was given to the respondent. The respondent submitted reply under no.EE/O&M/H'ghat/Tech/3589 dated 18-07-2013. The case was fixed for personnel hearing on 29-07-2013. Shri B.V.Betal, authorized representative, represented the applicant. Shri S.S.Wandhare, Junior Engineer, Samudrapur represented the respondent. Both the parties were heard.

4. It was argued for the applicant that he submitted an application for electricity supply to an agricultural pump on 17-11-2011. A demand note was given to him on 31-12-2011. He deposited the amount as per demand on 13-01-2012. He submitted the test report on 17-01-2012. Shri Betal contended that the application was complete in all respect and the applicant completed all required formalities. As such he was entitled for connection within the time limit prescribed under Regulation 4 of 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.

It was further stated that he may be awarded a compensation of Rs.2 Lakhs towards the loss to his agricultural produce. Rs.50,000/- and Rs.40,000/- respectively may be awarded for physical and mental harassment caused to the applicant.

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 submitted that the applicant submitted the application on 17-11-2011. A demand note was issued on 31-12-2011. The applicant deposited the amount on 13-01-2012 and he submitted the test report on 18-01-2012.

It was further stated that to provide the connection to the applicant it is necessary to lay L.T. line admeasuring 0.3 k.m. His name is entered in the paid pending list of 2011-12 at Sr.No.287. The connections are released as per the orders from the higher authorities and the availability of funds under SPA scheme. The work to release connections to the applicants, who have deposited the amount during 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. 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 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 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 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.

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 three months from 18-01-2012. 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.53 of 2013 is partly allowed.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 19-04-2012 till the date the electric connection would be actually released to the applicant.
- 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.01th day of August, 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 01th August,2013 in Case No.53 / 2013 is enclosed herewith.

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

To,
Shri Bhaiyyalal Jaikisan Katmusare, At.Arvi, Po.Girad, 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