

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM

M. S. ELECTRICITY DISTRIBUTION CO.LTD.

(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **18** of 2006

Applicant : Shri Marotrao Fakira Zade,
Kapse Compex, Gala No.9,
Sant Dnyaneshwar Ward, Hinganghat .
Dist. Wardha Pin 442301

-- VS --

Non-applicant. : 1.Executive Engineer/Nodal Officer
Internal Grievance Redressed Unit, Circle Office,
M.S.E.D.C.L., Wardha.
2.Exe.Engineer, CC O&M Dn. MSEDCL,
Hinganghat.

Presence : 1.Shri N.J.Ramteke,Chairman
2.Shri M.G.Deodhar,Member
3.Shri M.S.Shrisat, Member/Secy.

Appearance. : 1. Shri B.V.Betal, (Representative of Applicant)
On behalf of Applicant Shri M.F.Zade .
2. Shri S.B.Ratod, Exe.Engr. and
3. Shri B.R. Sonkusare, Dy.E.E.,Hinganhat
(Representatives of D.L.)

ORDER

(Passed this 10th day of March, 2006)
(Per Shri N.J.Ramteke, CHAIRMAN)

This is an application in schedule 'A' of MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations) . Applicant nominated Shri Bhimrao Vithoba Betal as his representative to appear in this case . The applicant presented this grievance application on the grounds that compensation of Rs. 2,34,000/- (Rs. Two lakh thirty four thousand only) for the loss of his business for 390 days and Rs. 50,000/- (Rs. Fifty thousand only) as mental torture and the cost of case to be given to him. This loss of business is caused to him due to negligence of the concerned officers of the

Distribution Licensee . His total demand of the compensation is Rs. 2,84,000/- (Rs. Two lakh eighty four thousand only) . He wants this amount with interest.

The facts in this case have been covered in the previous case No. 9/2005 between the same parties and, therefore, it is not necessary to repeat the same in this case. This Forum passed the order on 12/9/2005 with the direction to the D.L. to issue demand note to Applicant in terms of his application dt. 8/10/2004 within 10 days from the receipt of this order, On fixing point of supply by applicant in the complex. The Forum further directed in this order that on payment of amount of demand note, Non-applicants should give new connection and electric supply within 30 days . Applicant alleged in the present case that despite of direction of this Forum, the officers of D.L. in conspiracy, delayed the electric connection and caused him loss of business from the period 8/11/2004 to 3/12/2005 (390 days and at the rate of Rs. 600 per day as loss).

In terms of provisions in the Regulations, the Forum has given acknowledgement to the Applicant for receipt of this application, called the parawise comments of the non-applicant, issued notices for hearing to both the parties , the Forum gave copy of the parawise comments alongwith the notices for hearing well in advance. The Forum thus followed requirement of rule of natural justice . The Forum heard both the parties on 6/3/2006. Shri B.V.Betal, representative, appeared for applicant and made his submissions. Shri S.B.Rathod, E.E. and Shri B.R.Sonkusare , Dy.E.E. represented the Distribution Licensee and made the submissions.

The main contention of Shri Betal is that the officers of D.L. purposefully delayed the matter of new connection to the tenement. They have done this with conspiracy and purposefully. Despite the clear direction of the Forum, they have not followed the matter of new connection.

Shri Rathod and Shri Sonkusare contended that the order of the Forum was received in the branch office on 27/9/2005 and immediate action was taken for the spot inspection and material for the new connection. They have issued the demand note on 28/9/2005 but due to dispute about fixing of the supply point between the complex holder (Shri Kapse) and Applicant, the D.L. could not carry the work within stipulated time. Though they have taken all precaution by sending the material to the spot. The non-applicants also objected to the present application in terms of Column 9 k, d and e of declaration in Schedule 'A' . Since the new connection has been given on 3/12/2005, complied order of the Forum, the present grievance does not stand.

On perusal of the record and hearing both the parties the Forum come to the conclusion unanimously as under :

It is a matter of fact that this second application in continuation of the original application as decided by this Forum on 12/9/2005. Since the applicant has raised the new grounds in present application, the grievance about conspiracy and purposeful delay of the officers of the D.L., this is treated as a fresh application by this Forum. The Forum do not find any negligence in terms of compensation and cost of mental torture of Rs. 2,84,000/- . There is no justification for this amount as order was passed by this Forum on 12/9/2005 and the same was received by the D.L. on 27/9/2005. Applicant can-not demand compensation from 9.11.2004 . This issue of new connection was already decided by the Forum. The question of consideration of the date 9.11.2004 about the loss of business of Applicant, does not arise. The compensation for 390 days at the rate of Rs. 600 per day as a loss is not justifiable. The only question remains for consideration of the Forum whether there is any negligence and purposeful delay on the part of the non-applicant . The appendix 'A' of Supply Code Regulation,2005, the level of compensation payable to the consumer for failure to meet standard of performance has

been laid down. It is seen from the record that non-applicant issued a demand note on 28/9/2005 and they have also sent their representative to the spot for technical verification. It is also a matter of fact that they have sent the material to the spot. The order of the Forum was received on 27/9/2005 by the non-applicants. They have issued demand note on 28/9/2005 well in advance though the period comes upto 7/10/2005 in terms of the order of the Forum. There is no delay about the issue of demand note. The applicant made the payment of demand note on 29/9/2005 as per receipt No. 2074331 and the new connection was given on 3/12/2005. Thus there is no purposeful and intentional failure on the part of non-applicants as there was a dispute about the point of supply. However, the Forum is of the opinion that name of Shri Jayant Ekre, J.E. is linked with the present case to show undue interest in favour of the complex holder, Shri Kapsey and, therefore, it is for the D.L. to check up. The S.E., O&M Circle, MSEDCL, Wardha is directed to look into the matter whether any undue interest was shown by Shri Jayant Ekre, JE to delay the matter of new connection as alleged by Applicant. The Forum unanimously is of the opinion that the grounds of grievance as alleged by the Applicant, do not stand and, therefore, needs to be rejected.

In view of the above position, the Forum pass the following order :

ORDER

1. Application is rejected .
2. The claim of Rs, 2,84,000/- by the applicant is rejected. .
3. Parties to bear their own cost .

CHAIRMAN

MEMBER

MEMBER/SECY.

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

CGRF/NZ/R/ of 2006/

Date:

Certified that this is the true and correct copy of the above order.

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

Copy to:

1. Shri M.F.Zade, Kapse Complex, Gala No.9 Sant Dnyaneshwar Ward, Hinganghat .
2. The Chief Engineer, NZ, MSEDCL, Nagpur.
3. The Exe.Engineer/NO, I.G.R.U.,Circle Office, Wardha .