

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 60/2013

Shri Champatrao Marotrao Sonwane
At.Ladegaon, Po.Takarkheda
Tq.Arvi
District - Wardha.

Complainant

,,VS..

1. Executive Engineer,
MSEDCL,O&M Division,
Arvi.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Wardha.

Respondents

Applicant represented by 1) Shri Pramod Champatrao Sonwane
Respondents represented by - Nobody present

CORAM:

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

JUDGEMENT

(Delivered on this 06th day of August, 2013)

2. The applicant Shri Champatrao Marotrao Sonwane R/o. Ladegaon, Tq.Arvi has presented this application, feeling aggrieved by the order passed by the IGRC Wardha bearing no.SE/Wardha/Tech/IGRC/3323 dated 04-06-2013. The applicant is entitle for compensation as provided under Regulation 12.2 of the MERC (SOP) Regulations 2005. The respondent MSEDCL started adjusting of the compensation amount against the electricity bill amount payable by the applicant. The applicant opposed this action of the respondents. The applicant requested that the compensation amount payable to him may be paid in cash or by cheque. The IGRC rejected the application by the

aforesaid order. So the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

3. A notice was given to the respondent. The respondent submitted the parawise reply under no.EE/O&M/Arvi/Tech/3071 dated 26-07-2013. The case was fixed for personal hearing on 06-08-2013. Shri Pramod Champatrao Sonwane, son of the applicant, represented the applicant. Nobody was present for the respondents. So presuming that the respondents have nothing to say anything more than the parawise reply, the argument of the applicant was heard. Now we decide the case on merit.

4. It was argued for the applicant that he applied to the respondent MSEDCL for electricity connection to his agricultural pump set. The connection was not given within the prescribed time frame. So this forum vide order passed in complaint no.507 / 2012 on 21-11-2012 awarded compensation @ Rs.100/- per week for the period from 07-12-2010 to 21-11-2012. It was also ordered that the compensation would be payable till the connection is given to the applicant. The respondent released the connection on 19-12-2012. So the applicant is entitle for compensation for the period from 07-12-2010 to 19-12-2012. The respondent started adjusting the compensation amount against the electricity bill payable by the applicant. This is improper and illegal. The applicant requested that the compensation amount payable may be given to him in cash or by cheque.

5. The respondent in the parawise reply dated 26-07-2013 stated that the applicant has been given the connection on 19-12-2012. The applicant has been given the first electricity bill on 15-05-

2013, it was of Rs.340/-. The bill amount has been adjusted against the compensation amount payable to the applicant. Hereafter also the bill amount will be adjusted against the compensation amount payable by the applicant.

6. We have perused the record. We have heard the argument advanced by the applicant carefully.

It is admitted fact that the applicant is entitle for compensation @ Rs.100/- per week for the period from 07-12-2010 to 19-12-2012.

As per the applicant he wants the compensation in cash / by cheque. However the respondent started adjusting the amount against the bill amount payable by the applicant.

Provision about the payment of compensation given in Regulation 12.1 of the MERC (SOP) Regulations 2005, reads as under,

“12.1 When the Distribution licensee finds that it has failed to meet the standards of performance specified under these Regulations, either of its own knowledge or upon written claim 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”

Appendix A attached to the Regulations is as under,

| <i>Supply activity / event</i> | | <i>Standard</i> | <i>Compensation payable</i> |
|--------------------------------|--|-------------------------|---|
| <i>(iii)</i> | <i>Time period for provision of supply from date of receipt of completed application and payment of charges.</i> | | |
| | <i>Where extension or augmentation of distributing main is required.</i> | <i>Three (3) months</i> | <i>Rs.100 per week or part thereof of delay</i> |

Proviso to Regulation 12.2 reads as follows,

“..... 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,

On plain reading of the aforesaid provisions, it is clear that the payment of compensation is to be made in cash. So also the distribution licensee has no discretion to decide the mode of payment of compensation. In view of the aforesaid discussion, we pass the following order,

ORDER

- i) Application No.60 of 2013 is partly allowed.

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

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 06th August, 2013 in Case No.60 / 2013 is enclosed herewith.

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

To,
Shri Champatrao Marotrao Sonwane, At.Ladegoan, Po.Tikarkheda, Tq.Arvi,
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, Arvi
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