

**CONSUMER GRIEVANCES REDRESSAL FORUM;**

**MSEDCL NAGPUR (RURAL) ZONE NAGPUR**

**COMPLAINT NO. 48/2015**

Shri Namdeo G. Hiware  
At.Daga, Nishanpura ward  
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 P.B.Ingale, Assistant Engineer, Hinganghat (R)

**CORAM:**

Shri Vishnu S. Bute, Chairman.

Adv. Gauri D. Chandrayan, Member

Mrs. D.D.Madelwar, Member-Secretary.

**JUDGEMENT**

**(Delivered on this 27<sup>th</sup> day of July, 2015)**

2. Shri Namdeo G. Hiware, At.Daga, Nishanpura Ward, 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 in spite of rigorous persuasion the demand note was not given to him. So he claims compensation. He approached the IGRC Wardha. The IGRC Wardha dismissed his application vide order passed under no.SE/Wardha/Tech/IGRC/2587 dated 01-06-2015. 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 22-06-2015.

3. A copy of the application was given to the respondent. The respondent submitted reply under no.EE/O&M /H'ghat/Tech/3287 dated 17-07-2015. The case was fixed for personal hearing on 27-07-2015. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri P.B. Ingale, Assistant Engineer, Hinganghat (Rural), represented the respondent. Both the parties were heard.

4. Shri Betal, the representative, submitted that the applicant submitted an application for connection to his agricultural pump on 31-07-2006. The Xerox copy of the receipt given by the respondent is placed on record. The applicant repeatedly visited the office of the respondent to obtain the demand note. However neither the respondent gave a demand note nor anybody came for spot inspection till April, 2015. Thereafter when the applicant went to the office of the respondent, he was told to submit a new application. As directed by the respondent the applicant give a new application. Xerox copy of the old application was also attached.

The statement of the respondent that the applicant submitted a new application in May, 2015 is not proper.

The applicant may be awarded compensation as the applicant failed to give him the demand note against the application submitted on 31-07-2006. Penal action may be ordered against the officer who is responsible for not giving the demand note.

5. Shri Ingale, Assistant Engineer, represented the respondent. He referred to the

written reply dated 17-07-2015. He further stated that the applicant submitted the application on 31-07-2006 to release the connection to his agricultural pump. It was necessary to lay a LT line admeasuring about 600 meters. As per the directions contained in the MSEDCL's, conditions of supply of electrical energy, it was not possible to lay a line more than 360 meters. So his application was rejected. Thereafter the applicant never contacted the office of the respondent.

The applicant claimed compensation. As per his contention, he submitted application on 31-07-2006. He claimed compensation in 2015. The applicant failed to claim compensation within the period of sixty days. So his claim is time barred.

As per his contention he submitted an application on 31-07-2006. The applicant submitted his grievance before the IGRC on 12-05-2015. As he has not approached the competent authority within the period of two years. His application is not tenable.

In view of the fact mentioned above, the application may be rejected.

6. We have perused the record. We have heard the arguments advanced by both the parties.

It is admitted fact that the applicant submitted an application to his agricultural pump on 31-07-2006. The applicant himself submitted the Xerox copy of the receipt given by the office of the respondent. On the back side of the receipt itself, it is mentioned that the extract of V.F. VIIXII & the copy of the Khasra map was not attached with the application. So it was not possible to take action on the application. The applicant was directed to submit the aforesaid documents. So it is clear that there were discrepancies in the application and it was not possible for the respondent to take action

on the application. The respondent stated that to release the connection to the applicant. It was necessary to lay the LT line of a distance more than 600 meters. As per the directions from the MSEDCL, it was not possible to lay the LT line of a distance more than 360 meters. So they have not taken any action and the application was rejected. However there is no oral or documentary evidence on the record that the applicant was intimated at any time that his application was rejected. So this contention of the respondent has no force.

The applicant claimed compensation as the respondent failed to give him a demand note within the prescribed time limit. Proviso to regulation 12.2 reads as under,

*12.2 Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee o meet the standards of performance.*

The applicant submitted the application in 2006. He approached the IGRC Wardha for compensation on 12-05-2015. There is no evidence on record showing that the applicant claimed the compensation any time between 2006 and 2015. So we are of the opinion that the claim for compensation is time barred.

The applicant submitted the application for connection on 31-07-2006. He approached IGRC on 12-05-2015 and thereafter he submitted grievance application before this forum on 22-06-2015.

Regulation 6.6 of the MERC (CGRF & EO) Regulations 2006 reads as under,

6.6 *The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.*

We are of the opinion that the applicant approached this forum after the period of two (2) years from the date on which the cause of action has arisen.

In the circumstances discussed above, the application is clearly time barred.

Furthermore the respondent stated that the applicant submitted a new application on 12-02-2015. After spot inspection he was given a demand note on 06-05-2015. If we consider this situation, we think the demand of the applicant for compensation against the application alleged to have been submitted in 2006 is not proper and genuine.

In view of the fact and circumstances discussed above, we are of the considered opinion that the application deserves to be dismissed. So we pass the following order,

**ORDER**

- i) Application no.48 of 2015 is hereby dismissed.
- ii) The parties to bear their own cost.

Sd/- (Adv.Gauri D.Chandrayan)      sd/- (Mrs.D.D.Madelwar)      sd/- (Vishnu S. Bute)  
**MEMBER**      **MEMBER SECRETARY**      **CHAIRMAN**  
**CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR**  
**(Nagpur Dtd.27<sup>th</sup> day of July, 2015)**

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**NAGPUR ZONE (RURAL) M. S. E. D. C. L.**  
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[cgrfnz@gmail.com](mailto:cgrfnz@gmail.com)

**(O) 0712- 2022198**

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NO. CGRF/NZ/

Date :

Certified copy of order dated 27<sup>th</sup> July, 2015 in Case No.48 / 2015 is enclosed herewith.

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

To,  
Shri Namdeo G. Hiware, At.Daga, Nishanpura Ward,  
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. 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