

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 70/2013

Shri Sanjay Krishnarao Barokar
At.Po.Mangrul
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 M.S.Vaidhya, Executive Engineer, Hinganghat
2) Shri H.M.Patil, Junior Engineer, Samudrapur.

CORAM:

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

JUDGEMENT

(Delivered on this 16th day of September, 2013)

2. Feeling aggrieved and dissatisfied by the order passed by the IGRC Wardha under No.SE/Wardha/Tech/3650 dated 20-06-2013, Shri Sanjay Krishnarao Barokar (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/4157 dated 17-08-2013. The case was fixed for personal hearing on 16-09-2013. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat and Shri H.M.Patil, Junior Engineer, Samudrapur 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 in 1998. The respondent issued a demand note. The applicant deposited the amount as per demand note on 30-11-1999. He submitted the test report on 30-11-1999. The applicant asked for the receipt of the test report. However the Junior Engineer present at the Girad D.C. told that he would take necessary entry in the register. 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 frame prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. 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.15 Lakhs towards the loss of agricultural produce. He may be given Rs.2 Lakhs and 1.5 Lakhs

respectively for physical and mental harassment. Rs.10,000 and Rs.5000 respectively may be awarded towards travel expenses and the cost of the instant proceeding.

5. In reply the respondent admitted that the application was submitted in 1998. The applicant deposited the demand amount on 30-11-1999. However he did not submit the test report. The applicant has not produced any proof about the submission of the test report. There is no entry in the office record about the receipt of the test report.

The paid pending list clearly show that the applicant had not submitted the test report. The applicant alleged that he submitted the application in 1998. However he did not make any correspondence with the respondent thereafter. The Chief Engineer issued a circular dated 08-04-2010. It was mentioned in the circular that those who deposited the amount prior to 30-11-1999, however they have not submitted the test report till 2010, such applications may be cancelled. A press note was issued in the local news papers. Eventhen the applicant has not taken any action to submit the test report. So his application was cancelled and his name was struck down from the paid pending list.

As per the applicant, he deposited the amount on 30-11-1999. So as per the provisions of Regulation 12.2 he should have approached the respondent for compensation within 60 days thereafter. The applicant failed to comply the provisions of this Regulation. As such his request for compensation is liable to be dismissed.

There is no force in the application. The application may be dismissed.

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

The applicant submitted with his application only 2 documents. One is a Xerox copy of the demand note issued by the respondent dated 23-08-1999. Second is receipt no.3226883. However the copy is illegible. The receipt did not show the amount deposited by the applicant. The receipt is illegible so it can not be read as an evidence.

Main dispute is about the submission of the test report. The applicant has not submitted any evidence showing that he had submitted the test report. On the contrary the respondents say that there is no entry in the office record about the submission the test report by the applicant. The respondent submitted one Xerox copy of the paid pending list. The name of the applicant appear therein at sr.no.64. The list show that the test report was not submitted by the applicant. In absence of any evidence we conclude that the applicant failed to establish that he had submitted the test report.

It was also submitted by the respondent that since the applicant failed to comply the provisions of Regulation 12.2 he is not entitle for any compensation. It is admitted that the applicant deposited the demand amount on 30-11-1999. There is nothing on record to show that the applicant made any application or request to any authority for compensation. So there is a force in the contention of the respondent.

The applicant referred to the judgment delivered by this forum in case no.404 / 2012 on 04-06-2012. We have perused the judgment. In para 4 of the judgment it is clearly mentioned that, “ The complainant has produced all relevant documents including demand note and receipt of making payment thereof etc.” In the instant case

the applicant has not produced any documents pertaining to the facts of the case. So the decision referred by the applicant, can not be made applicable in the instant case.

9. In view of the aforesaid discussion we came to the conclusion that the applicant failed to establish his case. So we pass the following order,

ORDER

- i) Application No.70 of 2013 is hereby dismissed.
- ii) No order as to 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.16th day of September, 2013)

**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 16th September,,2013 in Case No.70 / 2013

is enclosed herewith.

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

To,
Shri Sanjay Krishnarao Barokar, At.Po.Mangrul,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

