

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 110/2013

Shri Sitaram Narayan Yede
At.Umari(Y), Po.Sawali(wagh)
Tq.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

CORAM:

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

JUDGEMENT

(Delivered on this 16th day of January, 2014)

2. Shri Sitaram Narayan Yede, r/o Umari, Po.Sawali, Tq.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 inspite of the fact that he completed all the formalities the respondent had not released the connection within the time limit prescribed under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. He approached the IGRC Wardha. The IGRC Wardha dismissed his application

vide order passed under no.SE/Wardha/Tech/IGRC/5444 dated 25-09-2013. 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 11-12-2013.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EE/O&M /H'ghat/Tech/42 dated 04-01-2014. The case was fixed for personal hearing on 13-01-2014. Shri B.V.Betal, authorized representative was present for the applicant. Shri M.S.Vaidya, Executive Engineer, Hinganghat represented the respondent. Both the parties were heard.

4. It was contended on behalf of the applicant that he submitted an application for connection to his agricultural pump on 21-11-2006. He received demand note on 05-07-2010. He deposited the amount as per demand on 13-07-2010. He submitted the test report on 06-09-2010. In spite of the fact that the application was complete in all respect the respondent has not released the connection till today. So he is entitle for compensation as provided under the SOP Regulations.

The applicant's prayer was as under,

i) The applicant may be awarded compensation as provided under SOP Regulations. The applicant may be awarded compensation of Rs.3 Lakhs towards the loss to his agricultural produce, Rs.50,000/- each may be awarded for physical and mental harassment, Rs.5,000/- each may be awarded for travel expenses & the cost of the instant proceeding.

ii) The respondent may be directed to release the connection immediately.

5. Shri Vaidya, Executive Engineer, referred to the parawise reply dated 04-01-2014. It was further stated that the applicant submitted the application on 21-11-2006. A demand note was issued on 05-07-2010. The applicant deposited the amount on 13-07-2010. He submitted the test report on 06-09-2010. To provide the connection to the applicant erection of L.T. line admeasuring 0.48 k.m. is necessary. His name is entered in the paid pending list of year 2010-11. The applicant has not submitted any survey report of any competent authority. His prayer is not acceptable. The applicant has been given a connection on 25-11-2013. So 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's application was complete in all respect on 06.09.2010, the day on which the test report had been submitted by him to the respondent's office. However the supply of electricity to the agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC, Non DDF CCRF etc The complainant's Ag pump application was sanctioned under SPA scheme As there was huge pendency of agricultural pump applications in Hinganghat Division under SPA scheme, hence the work of laying HT/LT lines & T/F for supplying connections was entrusted to the agency & being carried out as per the seniority of the applications/ applicants who deposited the demand amount & completed the formalities in all respect.

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 The complainant had not opted under the said scheme for early connection.

In view of circumstances mentioned above in my opinion there observed no intentional delay for providing electric connection to the complainant's agricultural pump on the part of respondent. The respondent has provided the connection to the complainant's Ag pump on 25.11.2013 as per the seniority list. As the connection is already given to the complainant's agricultural pump, no compensation needs to be awarded to the complainant.

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 requires extension or augmentation of distribution mains, the distribution licensee shall give supply to such premises within three (3) months from the date of receipt of complete application in

accordance with the Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply,) Regulations, 2005.

After hearing the parties and upon perusal of the record it reveal that the applicant had submitted the complete application. So he was entitle for connection within a period of three (3) months from 06-09-2010. The respondents have not released the connection during the stipulated period. 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.110 of 2013 is partly allowed. The applicant is entitle for compensation from 07-12-2010 to 25-11-2013.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week from 07-12-2010 to 25-11-2013. The payment shall be made within ninety days from the receipt of this order.

iii) 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 January, 2014)

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

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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 16th January, 2014 in Case No.110 / 2013 is enclosed herewith.

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

To,
Shri Sitaram Narayan Yede, At.Umari, Po.Sawali(wagh), Tq.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. 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