

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 80/2013

Shri Bandu Ramrao Kolhe
At.Lonar, Po.Nimba
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 G.H.Bhagwat, Assistant Engineer, Samudrapur.

CORAM:

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

JUDGEMENT

(Delivered on this 10th day of October, 2013)

2. Shri Bandu Ramrao Kolhe (hereinafter referred to as, the applicant) 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 the respondents have not given him the connection within the prescribed time limit. As such he is entitle for compensation as provided under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. He approached the IGRC Wardha. His application had been dismissed vide order passed under no.SE/Wardha/Tech/IGRC/4332

dated 30-07-2013. Feeling aggrieved by this order the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006.

3. A notice was given to the respondent. The respondent submitted reply under no.EE/O&M/H'ghat/Tech/5079 dated 30-09-2013. The case was fixed for personnel hearing on 07-10-2013. Shri B.V.Betal, authorized representative, represented the applicant. Shri G.H.Bhagwat, Assistant Engineer, Samudrapur represented the respondent. Both the parties were heard.

4. It was argued for the applicant that he submitted an application for electricity supply to an agricultural pump on 20-02-2007. He deposited the amount as per demand on 12-06-2010. He submitted the test report on 09-05-2011. Shri Betal contended that the application was complete in all respect and the applicant completed all required formalities. As such he was entitle for connection within the time limit prescribed under Regulation 4 of the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. The respondents released the connection on 25-01-2013. The connection is not released with the time limit prescribed as per the aforesaid Regulations. So compensation as provided under Regulation 12 may be awarded to him. In addition the applicant may be awarded Rs.3.00 Lakhs towards the loss to his agricultural produce. Rs.50,000/- and Rs.40,000/- respectively may be awarded for physical and mental harassment. Rs.5,000/- each may be awarded for the travel expenses and the cost of the instant proceeding.

5. In reply the respondent submitted that the applicant submitted the application on 20-02-2007. A demand note was issued on 27-02-2008. The applicant deposited the amount on 12-06-2010 and he submitted the test report on 09-05-2011.

It was further stated that to provide the connection to the applicant it was necessary to lay L.T. line admeasuring 0.3 k.m. The connection was released on 21-11-2012. The respondent submitted a certificate in support of his statement. The applicant submitted one application on 15-03-2013. He approached the IGRC Wardha on 17-05-2013. So he claimed the compensation after a period of about four months. In view of the provisions of Regulation 12.2 his claim is barred by limitation. He is not entitle for any compensation. The application may be dismissed.

6. 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. Shri Betal stated that the connection was released on 25-01-2013. Whereas the respondent stated that the connection was released on 21-11-2012. Taking into consideration this controversy at the time of hearing itself Shri Betal was asked to submit some evidence in support of his say. He told that he had no other evidence except the application dated 15-03-2013. The respondent submitted one certificate. The certificate is dated 21-11-2012. It is mentioned in the certificate,

feVj Ø-5454982 senzan kaifa mi jkBr d'kh i ãkl vkt jksh fo|q i jpbk l @
dj.;kr vkyk R;kcly ek>h dlqghh rØkj ulgh

There is a signature of Shri Bandu Ramrao Kolhe – the applicant himself on the certificate. So it is clear that the connection was released on 21-11-2012.

Proviso to Regulation 12.2 reads as under,

“ Provided also that no claim for compensation shall be entertained if the same is filed later than a period of sixty days from the date of rectification of the deficiency in performance standard.”

The applicant submitted application to comply the aforesaid provision on 15-03-2013. i.e. after a period of about 114 days. We find that the applicant has not filed his claim within a period of sixty days. As such his claim is barred by limitation.

So he is not entitle for any compensation.

7. In absence of any evidence much less reliable and cogent evidence we are not inclined to accept other claims of the applicant.

8. In view of the position discussed above we pass the following order,

ORDER

- i) Application No.80 of 2013 is dismissed.
- ii) No order as to cost.

Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u>	Sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u>	Sd/- (Vishnu S. Bute) <u>CHAIRMAN</u>
<u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u>		
<u>(Nagpur Dtd.10th day of October, 2013)</u>		

**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 10th October, 2013 in Case No.80 / 2013 is enclosed herewith.

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

To,
Shri Bandu Ramrao Kolhe, At.Lonar, Po.Nimba, 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