

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/68/2016

Applicant : Shri Nana M.Patarkar
At.Jogingumfa, Po.Girad
Tq.Samudrapur,Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Applicant's Representative :- Shri Behare,

Respondent by:- 1) Shri Nitnaware, E.E., Hinganghat Dn.

Quorum Present

- :
- 1) Mrs.V.N.Parihar
MEMBER/SECRETARY
& I/C. CHAIRMAN
 - 2) Shri N.V.Bansod,
Member
-

ORDER PASSED ON 08.06.2016.

1. The applicant filed present grievance application before this Forum on 07.05.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 13.05.2016.
3. Forum heard arguments of both the sides and perused record.

4. Applicant filed an application for electricity supply for his agricultural pump on dated 04-06-2014. But the Distribution Licensee issued him demand note of Rs.5100/- on 24-02-2015. Applicant paid the demand note on dt.26-02-2015, and submitted test report on dt.08-03-2015. Connection was given to the applicant on dt.06-06-2016, after delay of 363 days. Applicant demanded compensation for delay in issuing Demand note, delay in releasing supply as well as for the loss of agricultural produce, physical & mental harassment, travelling expenses etc.

5. Non-applicant confirmed all dates stated by the applicant except that connection was given on 25-04-2016 as per seniority list of 2014-2015 as 6 poles erection was required. Non applicant accepted the fact that there was delay in issuing Demand note. The contention of the non-applicant that applicant was in waiting list as per seniority list 2014-2015, 6 erection work was completed in April-2016, due to lock in meter box, meter 25-04-2016 was fixed on the pole. Hence connection was treated to be given on 25-04-2016, but could not produce evidence to support the contention.

6. Forum is of the view that, non-applicant contention that applicant was given connection as per seniority list of 2014-2015, is against the spirit section 43 of Electricity Act 2003 as well as Regulation of the SOP.

7. After hearing both parties, it was necessary to issue demand note within 15 days i.e. in this case on or before dt.19-06-2014. But the Distribution Licensee issued him demand note of Rs.5000/- on 24-02-2015. The cause of action has arisen for issuing demand note on dt. 24-02-2015. According to MERC(CGRF & EO) Regulation, 2006 which states that:-

“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.”

In the instant case cause of action has arisen on dt. 24-02-2015 It was necessary to file application on or before 24-02-2017 for compensation for late demand. As the applicant filed his grievance with IGRC on dt 05-02-2016, grievance is filed within 2 years. Hence claim for late demand note is not time barred. Hence applicant is entitled for compensation from Non-applicant for issuing late demand note for the period from 19-06-2014 to 23-02-2016 i.e. 250days.

8. It is also clear that test report was submitted on 08-03-2015 and connection was given on 06-06-2016, due to the fact that 6 poles were to be erected. As per SOP, 3 months' time is provided where extension or augmentation of Distribution main is required after the completion of the application and payment of charges and hence period for releasing the connection stipulated within 90 days expired on dt.07-06-2015, which is 3 months period and hence actual connection is delayed by 363 days i.e.52 weeks and hence the applicant is entitled for compensation as per MERC's SOP regulation 2005 and 2014.

9. IGRC's order is without appreciation of the facts & hence rejected.

10. It is noticed by the forum that there is long delay of 363 days, which is against provision of the section 43 Electricity Act 2003. Forum is of opinion that there is provision to impose the penalty under section 43(3) but to make the authority aware and vigilance in future, Forum direct to all concerned to take a note

7. Hence this order.

ORDER

- 1) Grievance application is allowed.
- 2) Non applicant shall pay compensation to the applicant for delay in issuing of demand note for the period from dt.19-06-14 to dt.23-02-2016(, i.e. for 250 days, i.e.36 weeks@100 /week=3600/) Rs 3600/--by cheque /cash, according to MERC's SOP Regulation 2014.
- 3) Non applicant shall pay compensation to the applicant for delay in releasing of connection from date of dt.07-06-2015 to dt.05-06-2016 (363 i.e.52 weeks @Rs.100/week=5200/-)Rs.5200/- to the applicant by cheque/cash,according to MERc's SOP Regulation 2014.
- 4) IGRC order is quashed & set aside.
- 5) All other claims of the applicant are rejected.
- 6) Non-applicant is directed to comply within 30 days from the date of this order.
- 7) No order as to cost.

Sd/-
(Shri.**N.V.Bansod**)
MEMBER

sd/-
(**Mrs.V.N.Parihar**),
MEMBER/SECRETARY
& I/C. CHAIRMAN