

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

Case No. CGRF(NZ)/65/2016

Applicant : Shri Suresh J. Selkar
At.Gomaji ward, Mankapur
Tq.Hinganghat,
Dist.Wardha.

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

Applicant's Representative :- Shri Betal,

Respondent by:- 1) Shri Nitnaware,E.E., Hinganghat Dn.
2) Shri Awachat, Dy.E.E., Hinganghat (R) S/Dn.

Quorum Present

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

ORDER PASSED ON 13.06.2016.

1. The applicant filed present grievance application before this Forum on 11.05.2016 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 30.05.2016.
3. Forum heard arguments of both the sides and perused record.

4. According to the applicant, he filed an application for new electricity supply for his agricultural pump on dated 25-03-2014 & non-applicant issued him demand note of Rs.5435/- on 30-06-2014. Applicant paid amount of demand note on 24-07-2014 and submitted test report on date 07-10-2015 and connection was released to him on date 10-04-2016. Applicant demanded compensation for loss of agricultural produce, physical & mental harassment, travelling expenses & compensation under SOP for delay in issue of demand note as well as connection & refund of Rs.435/- which was collected illegally. According to him non-applicant normally collects Rs.5000/-towards Demand note for new connection from all other agriculture pump applicants ,but he was asked to pay 5435/-,in the demand note issued to him.

5. Non-applicant admitted in his written reply all the facts mentioned above except the fact that said connection was given on date 10-04-2016.According to them, that said connection was released on dt 09-02-2016 as per seniority list of 2014-2015.

7. After hearing arguments of both side, Forum could see the fact that non-applicant could not produced any evidence to support their contention either in the form of electricity bill for Mar-2016 or April-2016 or otherwise in support of their contention that connection was given on date 09-02-2016 instead of 10-04-2016. Hence It is clear that test report was submitted on 07-10-2015 and forum accepts applicant's contention that, connection was given on 10-04-2016 by delay of 146 days. The contention of the non-applicant is that connection of the applicant was given as per seniority list 2014-2015. This contention of non-applicant is against

the spirit of section 43 of Electricity Act 2003 as well as Regulation of the SOP & hence is baseless & thereby rejected by the forum.

As per MERC(SOP) Regulation 2006, 3 months time i.e. 90 days is provided where extension or augmentation of Distribution main is required after the completion of the application and payment of charges & submission of test report. But in the present case, it was not clarified by the non-applicant, whether any such extension was required. Therefore it is treated that supply is given from existing network. Hence as per MERC (SOP) Regulation 2006, it was necessary to release supply after receipt of T.R. on dt.07/10/2015, within one month i.e. on or before dt.06-11-2015. Hence the applicant is entitled for compensation as per SOP for delay in issue of demand note as well as for delay in releasing the new connection.

8. Besides applicant also claimed for refund Rs.435/- collected by non-applicant illegally, non-applicant is silent both in his reply & during hearing on this issue and hence Forum is of opinion that non-applicant has collected Rs.435/- over and above charges collected from agricultural consumer while giving them new connection. Hence applicant is entitled for Rs.435/- with interest as per provision of section 62(6) of The Electricity Act 2003 as collection of excess amount for no valid reason amounts to sheer harassment to the consumer.

9. It is observed by the forum that more and more grievances of agricultural pump regarding delay in demand note and issue of new connection are coming before the forum are against the violation of section 43 of Electricity Act 2003 and Regulation of MERC (standard of performance of Distribution Licensee, period for

giving supply and determination of compensation) Regulations 2005. Therefore it is misfeasance in public offices and liability to pay damages can be fastened on erring official. Applicant is demanding huge amount as compensation in various heads but as per Regulation 8.2(c) of MERC (CGRF & EO) Regulation 2006, forum is of the opinion that non-applicant is liable to pay compensation of Rs.1000/- which will suffice the purpose of the applicant in the interest of the justice. IGRC's order is without appreciation of fact & hence rejected.

10. It is noticed by the forum that there is long delay, which is against provision of the section 43 Electricity Act 2003. Forum is of the opinion that there is provision to impose the penalty under section 43(3) but to make the authority aware and vigilant in future, forum directs to all concerned to take note and recover amount of SOP and other claims from the concerned responsible person.

11. Hence this order.

ORDER

- 1) Grievance application is allowed.
- 2) Non applicant is directed to pay SOP compensation for late issue of demand note from date 10-04-2014 till 29-06-2014 i.e. for 81 days and for late release of connection for 145 days i.e. from 07-11-2015 to 09-04-2016 to the applicant by cheque.
- 3) Non-applicant is directed to refund Rs.435/- collected illegally with interest as per section 62(6) of The Electricity Act 2003 .

- 4) Non-applicant is also directed to pay lump sum compensation of Rs.1000/- for physical & mental harassment & other expenses incurred by the applicant as per Regulation 8.2(c) MERC (CGRF & EO) Regulation 2006.
- 5) IGRC order is quashed & set aside.
- 6) All other claims of the applicant are rejected.
- 7) Non-applicant is directed to comply within 30 days from the date of this order.
- 8) No order as to cost.

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

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