

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

Case No. CGRF(NZ)/64/2016

Applicant : Shri Vijay H.Naukarkar
At.Po.Wagholi
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 14.06.2016.

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. Applicant filed an application for electricity supply for his agricultural pump on dated 15-02-2013. Non-applicant issued him demand note vide survey dated 29-05-2013 on 05-07-2013. Applicant paid the demand note on dt. 05-07-2013, and submitted test report on dt. 05-07-2013. But Connection was given to the applicant on dt.05-03-2016 after delay of 126 weeks. Applicant claim compensation for loss of crop of Rs.3.00 Lakhs, physical & mental harassment of Rs.25,000/-, travelling expenses Rs.3000/- + Rs.500/- respectively as well as SOP compensation for delay in issuing demand note as well delay in providing connection to his agricultural pump.

5. Non-applicant confirmed all dates stated by the applicant except that Test report was given on 24-02-2016 and As 0.06KM LT line erection was required, connection is released on dt.05-03-2016. Non applicant accepted the fact that, there was delay in issuing Demand note. The further contention of the non-applicant was that, as applicant was at Sr.No.253 as per seniority list 2013-2014 ,connection was given on 05-03-2016, but did not filed any evidence to support the contention.

6. After hearing both parties, it was necessary to issue demand note within 15 days i.e.in this case on or before dt.02-03-2013.But the Distribution Licensee issued him demand note of Rs.5000/- on 5-07-2013.The cause of action has arisen for issuing demand note on dt. 5-07-2013.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.05-07-13 It was necessary to file application on or before 05-07-2015 for compensation for late demand. As the applicant filed his grievance with IGRC on dt 31-10-2015, grievance is not filed within 2 years of cause of action. Hence claim for late demand note is time barred. Hence applicant is not entitled for compensation from Non-applicant for issuing late demand note.

7. According to applicant the test report was submitted on dt.05/07/2013 but Junior Engineer refused to accept the same. It is also observed by IGRC in their order and there is no specific reply by the non-applicant against this contention of the applicant, and did not file any explanation as per order no(1) of IGRC.

8. Non-applicant in reply stated that applicant submitted the test report on 24-02-2016 and during arguments non-applicant further said that connection/supply was given on 05-03-2016 as per seniority list under paid pending test report which was given by their contractor.

9. As per non-applicant on the pretext of under paid pending list and availability of test report with contractor, connection was given on 05-03-2016, but IGRC observed that, on receipt of demand dated 05-03-2013, applicant paid the amount of demand note on the same date and also on 05-03-2013 T.R. was submitted. But test report was refused by Junior Engineer.

10. It is admitted fact that .06 km LT line for providing electric supply to the applicant was necessary and 3 months period is allowed in SOP Regulation and

hence non-applicant was duty bound to provide electric supply on or before 90 days but supply was released to the applicant on 05-03-2016. Thus there was delay in providing electric supply to the applicant from 06-07-2013 to 05-03-2016 i.e.126 weeks. Applicant is entitled for compensation for the above period t@ Rs.100/- per week as per SOP Regulation.

11. Non-applicant in his reply stated that as per seniority list 2013-2014 supply was given on 05-03-2016 without any evidence and the contention of the non-applicant is against the SOP Regulation as well as spirit of section 43 of Electricity Act 2003, Hence the contention of the non-applicant can not be accepted & baseless and rejected by the forum.

12. Hence this order.

ORDER

- 1) Grievance application is allowed.
- 2) Non applicant is directed to pay compensation under SOP to the applicant @ Rs. 100/- per week for the period from 06-10-2013 to 05-03-2016 i.e.126 weeks amount Rs.12600/-.
- 3) Other claim of the applicant is rejected.
- 4) Non-applicant is directed to comply within 30 days from the date of this order.
- 5) No order as to cost.

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

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

