

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

Case No. CGRF(NUZ)/41/2015

Applicant : Shri Vinod Gopichand Patil,
21, Gopal Nagar, 2nd Bus Stop,
Nagpur : 22.

Non-applicant : Nodal Officer,
The Executive Engineer,
Division No. I, NRC,
MSEDCL,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 20.4.2015.

1. The applicant filed present grievance application before this Forum on 25.2.2015 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Applicant's case in brief is that he filed an application for new Agricultural Pump Connection in the year 2004. At that time, on the pretext that there is overload on the Transformer, new connection was not given to him. Officers of M.S.E.D.C.L. told that they will issue new connection after sanction of new Krishi Transformer. On 20.6.2006, new Krishi Transformer was

sanctioned and sanction No. EE/N-1/T/Esstt/SPA/116147/06 Dt. 27.4.2006 is given to him but said connection was given to him on existing net work which was already in existence and no transformer was installed. Therefore though applicant got agricultural connection after 2 years from his application, his electric motor can not work properly. As there is no connection to transformer D.P. , therefore motor pump of applicant is burning on 2 to 3 occasions every year. Every year applicant has to incur 20000 to 25000 expenses for repairs / purchase of new water pump. In the year 2014 also motor pump of applicant burnt due to voltage fluctuation and non commissioning of transformer D.P. and therefore he suffered loss of Rs. 25000/-. Applicant is unable to give water to the crop and there is loss of agriculture income. Applicant incurred load of Rs. One lac from Bank of Baroda and Rs. 75000/- as Gold Loan from State Bank of India. Due to negligence of officers of M.S.E.D.C.L. applicant is unable to produce agriculture income sufficiently and consequently he is unable to repay the loan. Therefore applicant is thinking to commit suicide. Applicant claimed compensation from M.S.E.D.C.L. Consumer No. of the applicant is 417320682094.

3. Non applicant M.S.E.D.C.L. denied applicant's case by filing reply Dt. 9.3.2015. It is submitted that agriculture connection is given to the applicant on 30.12.2006. It was mentioned in the estimate that unless & until D.P. is not installed, electricity supply can not be given. **However, then officer of M.S.E.D.C.L. had joined connection of the applicant on the existing network, which was in existence since beginning.** Since 2006 to 2014, applicant did not

complain about overload on the transformer. As per order passed by Learned I.G.R.C. Order No. 5092 Dt. 9.12.2014, new transformer is proposed in Infra-II plan and work of installation is going on.

4. Forum heard argument of applicant in person so also heard arguments of Shri S.W.Kohad, Dy. E.E. Kuhi and Shri Satyadev Dy. E.E. Dn. No. I on behalf of M.S.E.D.C.L. and perused the record.

5. On the date of hearing of the grievance application, applicant was present in person. However, it is noteworthy that Nodal Officer & Executive Engineer Division No. I, Shri Pachpohe was absent. Nodal Officer has authorized Shri S.W. Kohad, Dy.E.E. Kuhi S/Dn., Shri B.J. Yadav, A.E. Kuhi (R) D.C. and Shri P. Satyadev, Dy. E.E. Dn. No. I, to attend the hearing. However, in the said authority letter no reason was given by Nodal Officer, Executive Engineer Dn. No. I, why he was absent before the Forum and even permission of the Forum was also not sought that on his behalf authorized persons may be permitted to attend the hearing. In various orders up till now, we have noticed that Nodal Officer, Executive Engineer Dn. No. I is habitual in absence before the Forum. In number of cases he remained absent at the time of arguments for the reasons best known to him. He even did not claim any adjournment at any time that he is busy otherwise and case may be adjourned. Such practice is improper and illegal. In some of the matters directions were also issued and Chief Engineer, NUZ, Nagpur was requested to issue directions to Nodal Officer, Executive Engineer Dn. No. I, that he should remain present before

the Forum in future but even then there is no progress on his part and same absence is going on. It is the duty of Nodal Officer to protect valuable rights of M.S.E.D.C.L. but in the instant case no care appears to have been taken by Nodal Officer.

6. It is pertinent to note that reply of M.S.E.D.C.L. prepared & signed by Nodal Officer Executive Engineer Division No. I, is also not prepared carefully and legally. It is rather surprising to note that in the reply, it is nowhere mentioned that applicant is not entitled for any compensation. Therefore allegations in grievance application are not denied by M.S.E.D.C.L. and hence so far as claim of compensation is concerned, it appears to be undisputed fact as it is not specifically denied in the reply by M.S.E.D.C.L.

7. Applicant produced several important documents on record including his various complaints addressed to M.S.E.D.C.L. Dt. 20.10.2010, 30.11.2011 and 30.10.2012. In all these complaints it is specifically mentioned by the applicant that he applied prior to 2 years of receiving connection in 2006 i.e. he applied for new connection in 2004 but his agriculture connection was not sanctioned for a period of 2 years on the pretext of overloading of transformer and low voltage. For that purpose, transformer D.P. is sanctioned in 2006 but it is not installed till today. Therefore it is clear that though applicant applied for agriculture connection in 2004, new connection is given to him in 2006 after a period of 2 years. **According to MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of**

Compensation) regulations 2005, it was necessary for M.S.E.D.C.L. to give agriculture connection within 90 days but there was delay of 2 years in giving agriculture connection and for that purpose applicant is entitled for compensation as per MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulations 2005 read with 2014.

8. Furthermore, record shows that agriculture connection of the applicant was delayed by 2 years on the pretext of non availability of transformer. It is an admitted fact that new transformer is sanctioned in 2006, but up till now said D.P. is not installed by Officers of M.S.E.D.C.L. and therefore it is negligence on their part. Reason of low voltage for which connection of the applicant was prolonged systematically is still in existence and not removed though D.P. is sanctioned. Record shows that without installation of D.P. agriculture connection is given to the applicant by concerned officers. When it could have been done to issue connection without installation of D.P. why connection was delayed for two years, forms a big question mark.

9. It is noteworthy that in para 2 of reply of M.S.E.D.C.L. it is specifically admitted that connection is issued on 23.6.2006. It is further admitted that it was mentioned in the estimate that electricity supply shall not be provided without installation of D.P. **It is further admitted in reply of M.S.E.D.C.L. that however, then officer of M.S.E.D.C.L. had given supply to the applicant from the existing net work.** Therefore it is clear cut negligence on the part of then officer of M.S.E.D.C.L. to give connection and electricity

supply on existing line though there was low voltage and therefore there is negligence on the part of the officer which resulted into huge loss of the applicant by burning of electric motors.

10. In para 3 of reply of M.S.E.D.C.L. it is submitted that since 2006 to 2014, there is no complaint by the applicant about overload of transformer. However, this contention of M.S.E.D.C.L. is falsified by various correspondence by the applicant addressed to M.S.E.D.C.L.

11. It is noteworthy that applicant produced copy of complaints dated 20.10.2010, 30.11.2011 & 30.10.2012 addressed to officers of M.S.E.D.C.L. alleging that there is overload on the transformer, his electricity motor pump are burnt and he sustained heavy loss. All these complaints are duly received by officers of M.S.E.D.C.L. and there is stamp of M.S.E.D.C.L. on this complaints about receipt of these complaints regarding low voltage & burning of motors. Therefore allegation of M.S.E.D.C.L. in its reply para 3 that there was no complaint by the applicant about low voltage since 2006 to 2014 is nothing but a bold false. Though there were several complaints by the applicant in writing about low voltage, burning of electricity motors, sustaining loss, installation of D.P., even then during the span of 8 years, no action was taken by the concerned officer of M.S.E.D.C.L. and therefore it is clear cut negligence on their part.

12. It is positive contention of the applicant that due to low voltage his electricity motors are burning every year since 2006.

After every one or two years his electricity motor is burnt and he has to incur expenses of Rs. 20000/- to 25000/- every year. In the year 2014, his electricity motor burnt thrice and he incurred expenses of Rs. 25000/-. Due to non availability of water to the crop, he could not get proper agriculture income. He took loan of Rs. 1 lac from Bank of Baroda and Gold loan of Rs. 75000/- from State Bank of India.

13. It is pertinent to note that in support of his contention applicant produced documentary evidence to prove that he obtained loan from the Bank. There is specific certificate from State Bank of India, Loan Branch to the effect that he obtained Gold Loan of Rs. 75000/- and this certificate is dated 7.8.2014 duly signed and stamped by Chief Manager, State Bank of India, Gopalnagar Branch. Applicant had also produced Gold valuation certificate Dt. 7.8.2014 issued by M/s. Ankush Jewellers. It is corroboration to loan document of State Bank of India.

14. Therefore it is clear that though applicant applied for Agriculture connection in the year 2004, agriculture connection is given to him on 23.12.2006. According to MERC (Standard of Performance of Distribution Licensee, Period for giving Supply & Determination of Compensation) Regulations 2005, it was necessary to issue connection within 90 days from the date of applicant but there is considerable delay for issue of new electricity connection for agriculture purposes and therefore applicant is entitled for compensation on this first count. Secondly, connection was delayed for 2 years on the pretext of non availability of transformer D.P.

However, though D.P. was available and sanctioned in 2006, it is actually not installed till today and there is delay of 9 years for installation of D.P. due to this negligence of officers of M.S.E.D.C.L. Though D.P. is sanctioned, connection is given to the applicant on existing line and therefore at several times, his electricity motors are burning twice or thrice every year and hence substantial loss of crop so also repairs and purchase of electric motor pump is caused to the applicant due to negligence of officers of M.S.E.D.C.L. and on this count also applicant is entitled for compensation.

15. State Government has constituted Maharashtra Electricity Regulatory Commission as laid down u/s 82 of Electricity Act 2003. Our Forum is constituted as per the provisions laid down u/s 42 (5) of Electricity Act 2003. It is specifically provided u/s 57 (2) of Electricity Act 2003 that “If Licensee fails to meet standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution may be initiated, he shall be liable to pay such compensation to the person affected as may be determined by appropriate Commission. According to Section 57 (3) of Electricity Act 2003, the compensation determined under sub-section (2) shall be paid by concerned Licensee within 90 days of such determination. Therefore Section 57 of Electricity Act 2003 is a mandatory provision for awarding the compensation.

16. Regulation 8.2 of MERC (CGRF & EO) Regulations 2006 reads as under :-

*“If after the completion of the proceedings,
the Forum is satisfied after voting under*

Regulation 8.1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner,

- (a) To remove the cause of Grievance in question;*
- (b) To return the consumer the undue charges paid by the consumer;*
- (c) To pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer;*

Provided however that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.

- (d) To pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensee.*
- (e) Any other order, deemed appropriate in the facts and circumstances of the case”.*

17. Therefore according to regulation 8.2 (c),(d) & (e) of the said regulations, this Forum is empowered and can pass order of compensation to redress grievance of the applicant as discussed above.

18. Section 142 of Electricity Act 2003 reads as under :-

“142. Punishment for non-compliance of directions by Appropriate Commission. - In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made thereunder, or any direction issued by the

Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction”.

19. Considering all these legal aspects now we have to consider about quantum of compensation. Applicant claimed Rs. 25000/- for burning of electric motors several times every year, and amount of loan Rs. 1 lac from Bank of Baroda and Rs. 75000/- from State Bank of India. However, in our opinion, this much claim appears to be excessive. However, considering the facts and circumstances of the case, negligence of officers of M.S.E.D.C.L., damage & loss caused to the applicant, & mental harassment, in our considered opinion, applicant is entitled to claim compensation of Rs. 25000/-. Furthermore, it is necessary to install Transformer D.P. immediately to connect the agriculture pump connection of the applicant on that D.P. for appropriate voltage. Hence the following order :-

ORDER

- 1) Grievance application is allowed.

- 2) Non applicant is directed to connect agriculture connection of the applicant on new transformer D.P. within 90 days from the date of this order.
- 3) Non applicant is directed to pay compensation of Rs. 25000/- to the applicant as per MERC (Standard of Performance, Period of giving Supply & Determination of Compensation) Regulation 2005 & 2014.
- 4) If Non applicant fails to pay the said compensation within 90 days, interest at Bank rate will be applicable and will be paid by the Non applicant till the realization of the amount as per section 62.6 of Electricity Act 2003.
- 5) Compliance should be reported within 90 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER/
SECRETARY

Sd/-
(Shivajirao Patil)
CHAIRMAN.