

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

Case No. CGRF(NUZ)/068/2015

Applicant : Shri Namdeo B. Kale,
Post Karbadi, Tah. Narkhed,
District
Nagpur : 441301.

Non-applicant : Nodal Officer,
The Executive Engineer,
Katol Division,
MSEDCL, N.R.C.,
NAGPUR.

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

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 18.5.2015.

1. The applicant filed present grievance application before this Forum on 20.3.2015 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. Applicant's case in brief is that he applied for Agricultural electricity connection on 8.3.2013. It was necessary to

issue demand note within 15 days but demand note was given to him on 31.5.2013 after 2 ½ months. There was delay on the part of M.S.E.D.C.L. even for issuance of demand note. Applicant paid amount of demand note on 4.10.2013, but since then his agricultural connection is not given to him though period of 2 years is passed even after payment of demand amount. Therefore applicant claimed for issuance of directions to M.S.E.D.C.L. to give agricultural connection and to pay compensation for negligence and delay on the part of M.S.E.D.C.L.

3. Non applicant denied applicants by filing reply Dt. 4.4.2015. It is an admitted fact that applicant applied for agricultural connection on 8.3.2013. It is also admitted that sanction was accorded and demand was issued on 31.4.2013. It is also admitted that applicant paid amount of demand on 4.10.2013. There is seniority list for issuance of agricultural connection and name of applicant is at Serial Number 36. Work of agricultural consumers who paid demand upto March 2013 is completed and remaining list is given to the contractor and connection will be given to the applicant as per seniority list.

4. Forum heard arguments of both the sides and perused the record.

5. In reply of M.S.E.D.C.L. it is admitted that date of application for agricultural connection is 8.3.2013 and it is also admitted that demand note is given on 31.5.2013. According to MERC (Standard of Performance of Distribution Licensee, Period

for giving Supply & Determination of Compensation) Regulations 2005/2014, 15 days time is stipulated for issuance of demand note but even then there was delay and negligence on the part of M.S.E.D.C.L. for issuance of demand. Demand was issued after 2 ½ months after presentation of application i.e. on 31.5.2013 and therefore there is delay of 2 months for issuance of demand and for that purpose M.S.E.D.C.L. is liable to pay compensation to the applicant.

6. So far as alleged seniority list of M.S.E.D.C.L. is concerned, we can discuss legality, validity and admissibility of the said seniority list separately. However, even if for the sake of arguments it is presumed that there is hurdle of alleged seniority list, even then there was no need of alleged seniority list for preparation of work order and issuance of demand note. Without any reason demand was given at a belated stage on 31.5.2013. If M.S.E.D.C.L. would have issued demand within 15 days from the date of application i.e. on or before 23.3.2013, in that eventuality perhaps applicant would have paid the same before 30.3.2013 and his name would have included in the list of consumer who paid demand before 31.3.2013. In reply of M.S.E.D.C.L. it is submitted that consumers who have paid demand before 31.3.2013, their work is completed and list of remaining consumers is waiting for connection. Therefore there is delay and negligence for issuance of demand.

7. Furthermore, applicant paid demand on 4.10.2013. Therefore according to MERC (Standard of Performance of

Distribution Licensee, Period for giving Supply & Determination of Compensation) Regulations 2005/2014, connection should have been given within 3 months but up till now no connection is given to the applicant and therefore there is delay & negligence on the part of M.S.E.D.C.L. According to Appendix 'A' of MERC (Standard of Performance of Distribution Licensee, Period for giving Supply & Determination of Compensation) Regulations 2014, period for giving Agricultural connection in rural area is maximum 90 days. Date of application of the applicant is 8.3.2013. He deposited demand note on 4.10.2013. Therefore it was necessary for M.S.E.D.C.L. to provide agricultural connection within 90 days from the date of completion of formalities by the applicant, in case applicant completes the formalities.

8. However, it is noteworthy that in grievance application applicant simply submitted that he paid demand note. It is rather surprising to note that it is no where mentioned by the applicant in grievance application that he submitted the Test Report. Furthermore, copy of test report is also not produced by the applicant on record. In reply of M.S.E.D.C.L. also, it is nowhere mentioned that applicant submitted test report. For completion of all requisite formalities it is essential to submit test report but record shows that uptill now applicant did not submit test report. At least there is no such evidence on record and therefore it can not be said that all formalities have been completed. Hence applicant is not entitled for any compensation for alleged delay for issuance of agricultural connection. Therefore that much part of the claim deserves to be dismissed. Hence following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Applicant is entitled for compensation for delay in issuance of demand note according to Appendix 'A' of MERC (Standard of Performance of Distribution Licensee, Period for giving Supply & Determination of Compensation) Regulations 2014.
- 3) Claim for issuance of directions to issue agricultural connection (without submission of test report) is hereby rejected.
- 4) Claim for compensation for delay in providing agricultural connection is also dismissed.
- 5) Compliance should be reported within 90 days.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN