

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

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**Case No. CGRF(NZ)/91/2016**

Applicant : Shri Ramesh B. Gote  
At.Po.Wela,  
Tq.Hinganghat,  
Dist.Wardha.

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

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Applicant's Representative :- Shri Betal,

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

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Quorum Present :

- 1) Shri Shivajirao S.Patil  
CHAIRMAN
  - 2) Mrs.V.N.Parihar  
Member/Secretary
  - 3) Shri N.V.Bansod,  
Member
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**ORDER PASSED ON 10.08.2016.**

1. The applicant filed present grievance application before this Forum on 23.06.2016 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 16.07.2016.
3. Forum heard arguments of both the sides and perused record.

4. There is difference of opinion amongst 3 Members of the forum. Therefore discussion is passed on Majority view of Hon'ble Chairperson and Hon'ble Member(CPO). Dissenting note of Hon'ble Member-Secretary is noted in judgment it is part and parcel of judgment.

5. **Finding of Hon'ble Chairperson & Hon'ble member(CPO) – the majority view**

Applicant filed application for agricultural connection on 07-11-2012. However demand is given to the applicant on 18-08-2014. Therefore there is delay in issuing demand for the period 23-11-2012 to 17-08-2014. As demand was issued on 18-08-2014 cause of action arose on 18-08-2014. Therefore we hold that cause of action of issuance of demand arison on 18-08-2014. Present grievance application is filed on 23-06-2016 i.e. within two (2) years from the date of cause of action dated 18-08-2014. Therefore application is within limitation and not barred by limitation.

6. According to the reply of MSEDCL applicant filed application for agricultural connection on 07-11-2012 and demand was sent by post on 20-12-2012 but demand was not received to the applicant and therefore as per application of the applicant fresh demand was issued on 18-08-2014. Therefore it is clear that in reply of MSEDCL they admit that demand was not received to the applicant. As per reply of MSEDCL demand was sent by post on 20-12-2012 but authenticated proof of postal department about sending demand on 20-12-2012 is not produced on record. MSEDCL produced Xerox copy of one paper on which name of the applicant is written having affixed postal stamp (पोष्टाचे तिकीट) but there is no actual stamp of postal department on this Postal Ticket (पोष्टाचे तिकीट). Therefore there is no

evidence to show that any such document was kept in the post box. But on this Xerox paper date of dispatch is shown 24-12-2012 but in reply of MSEDCL had written that date of sending by post on 20-12-2012. MSEDCL did not produce postal evidence on record to show that demand is sent by registered A/D. Postal acknowledgement of sending demand on 20-12-2012 is not produced on record. Therefore we find no force in the contention of MSEDCL that demand is sent by post on 20-12-2012.

7. It is admitted fact that applicant did not receive demand dated 20-12-2012 therefore MSEDCL send demand on 18-08-2014. This fact is admitted in reply of MSEDCL. Therefore we hold that the demand is sent on 18-08-2014. Therefore there is late in sending demand for period 23-08-2012 to 17-12-2014. Therefore applicant is entitle for compensation for delay in receiving demand according to MERC's SOP Regulation for the period 23-11-2012 to 17-08-2014.

8. Applicant paid amount of demand on 05-09-2014. According to applicant test report was produce to the office but it was refused. However applicant did not produced proof or evidence to show that Test report sent by post and that closed envelope was refused by MSEDCL. It is noteworthy that in absence of postal evidence it can not be said that test report was refused. To grab big amount of compensation applicant is falsely saying that test report was refused. MSEDCL has maintained register for test report. According to MSEDCL applicant did not submit test report therefore all requisite formalities are not completed by the applicant. There is one Xerox copy of test report shown to be dated 10-09-2014 but in our opinion such type of fabricated test report can not be prepare subsequently to extract amount of compensation. According to MSEDCL test report is given by

contractor on 09-05-2016 and therefore supply was given on 15-05-2016. Therefore there is no delay in releasing agricultural connection. Applicant is not entitled for compensation for delay in releasing the connection.

9. Record shows that Rs.435/- is unnecessarily recovered by MSEDCL from the applicant therefore it is necessary to refund this amount to the applicant.

10. **Dissenting note of Hon'ble Member-Secretary is as under:**

"1. *The grievances applications is filed on dt.23-06-2016 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. *An Applicant applied for agricultural connection on 07-11-2012, Non-applicant has given demand on 20-12-2012. The postal evidence for sending said demand note on dt 24/12/2012 is submitted/filed by Non-applicant before the forum. According to MERC's SOP Regulations 2014, it is necessary to issue demand within 15 days from the date of application; otherwise applicant is entitle for compensation. Therefore applicant is entitle for compensation for the delay in issuance of demand for the period 23-11-2012 to 19-12-2013 according to MERC's SOP Regulation 2014.*

3. *But according to Regulation 6.6 of MERC Regulation 2006(Consumer grievance and Electricity Ombudsman) , "The Forum shall not admit any grievance unless it is filed within 2 years from the date on which cause of action arisen."*

4. *The aforesaid applicant has filed claim on dt 23/06/2016 with this forum. Whereas Demand-Note is given on Dt.20-12-2012. As applicant filed for claim of compensation very late i.e. after three and half years from the date on which cause*

*of action arisen. To claim compensation for delay in issue of demand note, consumer should have approached the forum on or before 24/12/2014, whereas he has approached on dt.23/06/2016.*

5. *Due to this delay in filing claim by these complainants, claim of compensation in delay in issue of Demand note, is time barred by limitation according to Regulation 6.6 of the said Regulation.*

6. *In view of circumstances mentioned above, I am of the opinion that Shri Ramesh B. Gote is not entitled for compensation for delay in issue of Demand note.”*

11. **Concluding finding of majority view of Hon'ble Chairperson and Hon'ble Member(CPO):**

Majority view hold that applicant is entitled for compensation for issuing late demand for the period 23-11-2012 to 17-08-2014 according to MERC's SOP Regulation. Applicant is not entitled for compensation regarding delay in releasing the connection. Applicant is entitled for refund of Rs.435/-.

6. Hence majority view proceed to pass the following order.

#### ORDER

1. Grievance application is partly allowed.
2. MSEDCL is directed to pay compensation to the applicant for delay in issuing demand for the period 23-11-2012 to 17-08-2014 according to MERC's SOP Regulation.
3. MSEDCL shall pay Rs.435/- to the applicant as refund.
4. Claim of the applicant for delay in releasing agricultural connection is hereby rejected.

5. Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-  
(N.V.Bansod)  
MEMBER

sd/-  
(Mrs.V.N.Parihar)  
MEMBER/SECRETARY

sd/-  
(Shivajirao S. Patil),  
CHAIRMAN