

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

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**Case No. CGRF(NZ)/100/2016**

Applicant : Smt. Savitribai G. Choyale  
At.Tadgaon,Po.Mangrul  
Tq.Samudrapur  
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 Awachat, Dy.E.E., Hinganghat (R) S/Dn.  
2) Shri V.M. Hedau Dy E.E., Samudrapur 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 24.08.2016.**

1. The applicant filed present grievance application before this Forum on 05.07.2016 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 12.08.2016.
3. Forum heard arguments of both the sides and perused record.
4. There is difference of opinion amongst all 3 members of the forum.

Therefore decision is based on majority view of Hon'ble Chairperson and Hon'ble member (CPO) whereas Dissenting Note of Hon'ble member/secretary is noted in the judgement & it is part parcel of the judgement.

**Reasoning & finding of majority view of Hon'ble chairperson & Hon'ble member (CPO).**

5. Applicant applied for agricultural connection on 27.01.2011. According to non-applicant demand was issued on 07.06.2011 but according to the applicant he did not receive demand. Later on applicant received demand on 09.12.2014 therefore there is delay in issuing demand for the period 12.02.2011 to 08.12.2014 & applicant is entitled for compensation for issuing late demand according to MERC'S SOP regulation.

6. Non-applicant did not produce any postal evidence on record to show that demand was sent by post on 07.06.2011. Postal receipt or acknowledgment of demand dated-07.06.2011 is not produced. One Xerox copy of 1 page of register of MSEDCL is produce by MSEDCL to prove that on 07.06.2011 Rs 5/- postal stamp was utilized for sending demand to the applicant but on this Xerox copy of the register there is no signature or stamp of the officer of MSEDCL. Anybody can prepare such type of bogus document. Non-applicant did not produce any postal evidence on record to prove that any demand was handed over to the applicant on 07.06.2011 therefore we find no force in the contention of non-applicant that demand was issued on 07.06.2011.

7. Record shows that demand was issued on 09.12.2014 therefore there is delay in issuing demand for the period 12.02.2011 to 08.12.2014 & applicant is entitled for compensation according to SOP regulation this claim is with limitation.

Cause of action is arose on 08.12.2014 grievance application is filed on 05.07.2016 i.e., within two years from the date of cause of action therefore it is within limitation according to regulation 6.6 of the said regulation.

8. Applicant paid amount of demand on 30.12.2014 & test report is submitted on 31.12.2014. Supply is given on 21.07.2016. Infrastructure is not ready therefore time for releasing the supply is 90 days therefore there is delay in releasing the supply for the period 01.04.2015 to 20.07.2016 & applicant is entitled for compensation according to MERC'S S.O.P. regulation.

9. **Dissenting Note of Hon'ble member / secretary of the forum is as under:**

*"1. The grievance applications is filed on dt.05-07-2016 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 27-01-2011, Non-applicant has given demand on 07-06-2011. It is submitted by respondent during the hearing, that Demand note dt. was sent to the applicant by normal Post on dt. 07-06-2011. The postal evidence for sending said demand note on dt 07-06-2011 is submitted/filed by Non-applicant before the forum. As per entry of dispatch register of MSEDCL(Xerox copy is attached h/w), it is seen that demand note is sent along with 2 other consumers namely S.R.bagade, Tadgaon and S.S.Chavan, Tadgaon by post as per normal practice followed by MSEDCL, which is conclusive evidence of having sent the demand note by MSEDCL. Also there is no correspondence from Applicant regarding non-receipt till 30-12-14. On dt. 30-12-*

*2014 duplicate copy of demand note issued was issued to the applicant. Had consumer requested earlier, she would have been given the copy of Demand Note. So in absence of any such correspondence from applicant regarding non-receipt of Demand Note, it can be concluded applicant might have misplaced it and now asking for compensation to cover her own mistake.*

*3. According to MERC's SOP Regulations 2014, it is necessary to issue demand within 15 days from the date of application; otherwise applicant is entitled for compensation. Therefore applicant is entitled for compensation for the delay in issuance of demand for the period 12-02-2011 to 06-06-2011 according to MERC's SOP Regulation 2014.*

*4. 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."*

*5. The aforesaid applicant has filed claim on dt 05-07-2016 with this forum. Whereas Demand-Note is given on Dt. 07-06-2011. As applicant filed for claim of compensation very late i.e. after five 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 07-06-2013, whereas she has approached on dt. 05-07-2016.*

*6. 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.*

*7. In view of circumstances mentioned above, I am of the opinion that Smt.*

*Savitribai G. Choyale is not entitled for compensation for delay in issue of Demand note”.*

10. **Concluding Reasoning & finding of majority view of Hon’ble chairperson & Hon’ble member (C.P.O.) of the forum.**

For this reasons we hold that applicant is entitled for compensation for issuing late demand for the period 12.02.2011 to 08.12.2014 according to MERC’S S.O.P. regulation. Applicant is also entitled for compensation for delay in releasing the connection for the period 01.04.2015 to 20.07.2016 according to MERC’S S.O.P. regulation Hence, majority view proceed to pass the following order.

ORDER

1. Application is allowed.
2. Non-applicant is directed to pay compensation to the applicant for issuing late demand for the period 12.02.2011 to 08.12.2014 according to MERC’s S.O.P. regulation.
3. Non-applicant is directed to pay compensation to the applicant for releasing late agricultural connection for the period 01.04.2015 to 20.07.2016 according to MERC’s S.O.P. regulations.
4. Non-applicant is directed to submit compliance report 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

