

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

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**Case No. CGRF(NUZ)/121/2015**

Applicant : Shri Balaji Domaji Matte,  
Sant Sai Apartments,  
Sai Kripa Society, Plot No.7,  
Narendra Nagar,  
Nagpur : 400 015.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
MIDC Butibori Division,  
MSEDCL,  
NAGPUR.

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Applicant :- Shri Dave.

Respondent by 1) Shri Y.D. Meshram, E.E. MIDC Butibori Divn.

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

2) Adv. Subhash Jichkar  
Member.

3) Shri Anil Shrivastava,  
Member / Secretary.

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**ORDER PASSED ON 11.9.2015.**

1. The applicant filed present grievance application before this Forum on 24.7.2015 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 filed application for agricultural connection on 29.11.2013. Demand was given to him on 3.1.2014. On the same day he paid the amount of demand i.e. on 3.1.2014, so also submitted test report but up till now agricultural connection is not given to him. Orange trees were planted in the field. To water orange trees he had to install diesel engine of 5 HP and had to incur unnecessary expenses. Therefore applicant claimed compensation as per MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014, so also under clause 8.2 of the said regulations.

3. Non applicant denied applicant's case by filing reply Dated 12.8.2015. It is submitted that applicant filed an application for agricultural connection in his field survey No. 115/4 in November 2013 and filed test report in January 2014. At the end of financial year March 2015, number of applicant is 60. In Hingna Tahsil there is big waiting list for issuance of agricultural connection and as per seniority connection will be issued.

4. Forum heard arguments of non applicant's side and perused record.

5. Initially it is noteworthy that in the notice issued by the Forum to non applicant, it is specifically directed that non applicant has to file para wise reply in two copies according to

regulation 6.13. It is a matter of record that grievance application of the applicant is described in several paras in details. But in reply of the non applicant Dt. 12.8.2015 para wise reply is not given. There are only six lines totally in para 1 and para 2 of the reply. Necessary details are not written in the reply. It is not mentioned in the reply on what date applicant applied in November 2013. Specific date of filing of application is not given in the reply. Further more, it is not mentioned in the reply on what date M.S.E.D.C.L. issued demand note. It is also not mentioned on what date applicant paid amount of demand note. Reply is also silent on the point of entitlement and grant of compensation if any. Therefore it appears that officers of M.S.E.D.C.L. i.e. non applicant did not draft parawise reply as per mandatory regulation under regulation 6.13 of the said regulations. This Forum had pointed out this aspect in earlier several judgement and issued directions to concerned Chief Engineer to issue guide lines to officers of M.S.E.D.C.L. that while filing the reply they should invariably file para wise reply and plead the case of M.S.E.D.C.L. properly. Forum hopes progress in future so far as filing the reply by officers of M.S.E.D.C.L. is concerned.

6. According to Appendix 'A' of MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014, time period of issue of demand note in rural areas is maximum 30 days. Applicant applied for agricultural connection on 29.11.2013 and demand is given on 3.1.2014. As per stipulated time described in abovesaid regulations, it was incumbent on the part of M.S.E.D.C.L. to issue

demand note on or before 28.12.2013, but demand is given on 3.1.2014. Therefore there is 5 days delay in issuance of demand and for this purpose applicant is entitled to claim compensation according to MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014.

7. So far as alleged seniority list or waiting list is concerned, this Forum will discuss the issue about its tenability and legality in the later part of the order whether such seniority list can be prepared or not. But even if for the sake of argument it is presumed that there is alleged hurdle of seniority list in the way of officers of M.S.E.D.C.L. it has nothing to do with issuance of demand and for preparation of estimate. As soon as application of agricultural connection is received, it is bounden duty of M.S.E.D.C.L. to issue demand note within 30 days without looking towards seniority list. It appears that some of the officers of M.S.E.D.C.L. unnecessarily cause delay even for issuance of demand note for the mere reason that if the demand note is issued and paid, applicant will be able to stand in Queue of seniority list. To prevent him even to stand in the seniority list, delay is deliberately caused even for issuance of demand note. It is not proper.

7. Now we will turn to second aspect of providing agricultural connection. According to applicant, admittedly L.T. line extension is necessary and 5 poles are to be erected. According to MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014, specially in

Appendix 'A' period for providing supply where extension or augmentation of distribution mains is required is within 3 months i.e. 90 days. Therefore it was necessary to give connection to the applicant within 3 months from the date of completion of formalities. Record shows that applicant paid amount of demand note on 3.1.2014 and had submitted test report on 3.1.2014. Therefore from 3.1.2014, it is necessary to give electricity supply within 90 days i.e. on or before 2.4.2014 but uptill now no connection is given to the applicant and it is negligence on the part of officers of M.S.E.D.C.L.

8. Furthermore, in reply of M.S.E.D.C.L. there is reference of one seniority list. However, it is pertinent to note that in entire MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014, there is absolutely nothing written about seniority list or details of procedure to be formulated by the M.S.E.D.C.L. to act as per alleged seniority list. If there are thousands of applicants in seniority list it does not mean that M.S.E.D.C.L. is authorized to delay issuance of agricultural connection beyond stipulated time period laid down in MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014, formulated by Hon'ble MERC. Therefore if M.S.E.D.C.L. has issued any circular of seniority list, said circular has absolutely no legal sanctity. It is pertinent to note that MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014, are laid down by Hon'ble MERC and binding on all officers of M.S.E.D.C.L. Non applicant has

absolutely no right to prepare their own rules regarding seniority list contrary to MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014. If really M.S.E.D.C.L. intends to observe seniority list they will have to approach Hon'ble MERC to get amended MERC (Standard of Performance, Period for giving Supply and determination of Compensation) Regulations 2014. Unless and until SOP regulations are amended by Hon'ble MERC, alleged seniority list has absolutely no locus standi and M.S.E.D.C.L. can not ask agriculturists to stand in Queue years together till they commit suicide for not providing electricity supply to agricultural connection.

9. Section 57 of Electricity Act 2003 reads as under :-

**“57. Standards of Performance of Licensee –** (1) The Appropriate Commission may, after consultation with the licensees and persons likely to be affected, specify standards of performance of a licensee or a class of licensees.

(2) If a licensee fails to meet the standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution be initiated, he shall be liable to pay such compensation to the person affected as may be determined by Appropriate Commission.

Provided that before determination of compensation, the concerned licensee shall be given a reasonable opportunity of being heard.

(3) The compensation determined under sub-section (2) shall be paid by the concerned licensee within ninety days of such determination.

10. This C.G.R.F. is constituted as per provisions laid down u/s 42 (5) of Electricity Act 2003 and it is the duty of this Forum to

give justice to the parties as per MERC (Consumers' Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, specially according to regulation 6.4 of the said regulations.

11. It appears that on the pretext of seniority list, officers of M.S.E.D.C.L. are avoiding to give connection to many consumers for the reasons best known to them. It is pertinent to note that there was similar case of same Nodal Officer, i.e. Executive Engineer Division No. I, M.S.E.D.C.L. Nagpur Rural Circle Nagpur before this Forum vide case No. CGRF/203/14 decided on 20.10.2014 Deorao P. Nagpure Vs. Nodal Officer, Executive Engineer, Division No. I, Nagpur Urban Circle, Nagpur. In that case, application for agricultural connection was filed in the year 1997 but till the said applicant died in the year 2005, no connection was given to him on the pretext of alleged seniority list. However, one Shri Chaturvedi immediately applied for electricity connection and by superseding senior members could get connection for the reasons best known to officers of M.S.E.D.C.L. In that matter, this Forum had directed M.S.E.D.C.L. to issue agricultural connection to the said applicant considering the seniority of the said applicant as on 24.9.1997, within one month from the date of order Dt. 20.10.2014. Even then, even after expiry of the stipulated time, no connection was given to the said applicant by Executive Engineer Division No. I, Nagpur Rural Circle, MSEDCL, Nagpur. In fact, it is nothing but disobedience of the orders of the Forum. We have mentioned all these facts simply to show that since 1997 said applicant in that matter Shri Deorao Nagpure could not get agricultural connection till 2014 on the pretext of alleged seniority in which one Shri

Chaturvedi succeeded. If such type of practice is continued, it is nothing but amounting to not only negligence but suspicious malpractice and needs stern action against defaulters if any. This incidence is quoted by the Forum only to show that how the working is going on, on the pretext of alleged seniority list and how special privileges are given to late comers to supersede the earlier persons. In the present case, no alleged seniority list is produced on record, nor it is provided to the applicant at any time. Therefore, connections are issued to the farmers on sweet desire of officers of M.S.E.D.C.L. and contrary to MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014.

12. Therefore non applicant shall issue connection to the applicant within stipulated time period as laid down in Appendix 'A' of MERC SOP Regulations 2014 and shall also pay compensation to the applicant as described in Appendix 'A' of MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014, since 5.3.2013 till issue of demand note on account of delay in issuing of demand note and secondly on account of delay in releasing agricultural connection since 21.6.2014 till actual release of connection.

13. Applicant has given many other aspects in grievance application about demand of compensation and pleaded that he planted orange plants in his field. The expenditure so far incurred by the applicant to save orange plants in absence of electricity is huge amount. On behalf of the applicant it is argued that orange



trees were planted in the field. To water orange trees applicant had to install diesel engine of 5 HP and therefore unnecessary loss is caused to him. It is rather surprising to note that in reply of M.S.E.D.C.L. all these facts are not denied and nothing is written. In support of his contention applicant produced 7/12 extract of his field which shows that applicant has planted orange plants. Therefore in our opinion applicant is entitled for compensation according to MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014.

14. Learned officers of M.S.E.D.C.L. relied on the authority of Hon'ble MERC reported in case No. 43/05 Dt. 1.6.2006 in the matter of applicability of provisions of standard of performance regulations for providing new connection to agricultural pump sets in Maharashtra State. However, this authority goes against M.S.E.D.C.L. In para 8 & 9 of the authority Hon'ble MERC held that:-

*“(8) The commission has considered the submissions made by MSEDCL and finds that the petition filed by MSEDCL does not recognize the fact that due to GoM's Policy of releasing agricultural connections on priority basis to economically backward districts irrespective of the fact whether infrastructure is available in those districts or not, will necessarily involve introduction of different criteria for applicants from backward districts. Thus, the modifications to the Standards of Performance sought by the petitioner are incapable of being applied uniformly to all category of applicants similarly placed. As the Commission has to operate*

*within the parameters of EA 2003, the grant of prayers of MSEDCL which entails reconciliation of the provisions of EA 2003 and Government of Maharashtra's policy of giving preferential treatment to economically backward districts, is outside the purview of the powers of the Commission.*

*(9) The Commission has also considered the submission of MSEDCL for issuance of instructions to the Consumer Grievance Redressal Forum (CGRF) at Nagpur not to direct MSEDCL or insist on release of power to agricultural pump sets pending the decision of the Commission in the present matter. Subsections (5, (6) and (7) of Section 42 of EA 2003 provides the statutory basis under which grievances are required to be redressed by the forums established by Distribution Licensees. These statutory provisions read with the regulations made under sub-section (5) and (7) of Section 42 do not give jurisdiction or authority to the Commission to issue such instructions as prayed for by MSEDCL.*

*Accordingly, the Commission rejects the present petition with the aforesaid observations.*

Furthermore, it is the authority regarding economically backward districts. Nagpur District is not economically backward. Therefore facts of the case in hand are different and distinguishable from the facts in the authority cited supra.

15. For these reasons, in our opinion applicant is entitled for the compensation as per MERC (Standard of Performance,

Period for Giving Supply & Determination of Compensation) Regulations 2014.

16. In the grievance application, applicant in prayer clause claimed compensation under clause 8.2 of the said regulations. However, we must bear in mind that regulation 8.2 is procedural regulation authorizing CGRF to grant all reliefs. Under regulation 8.2 (d) of the said regulations, Forum is authorized and empowered to pay such amount as compensation as specified by the Commission in the MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014. According to 8.2 (c) of the said regulations, Forum is authorized to pay such amount as may be awarded by the Forum as compensation to the consumer for any loss or damage suffered by the consumer. To water orange plants applicant has to install 5 HP oil engine and incurred unnecessary expenses. Delaying the issuance of agricultural connection is also harassment and for this purpose in our opinion the applicant is entitled for compensation of Rs. 10000/- from the non applicant under regulation 8.2 © of the said regulations and in addition applicant is entitled for compensation for delay in issuance of agricultural connection according to regulation 8.2 (d) read with MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014. Furthermore, applicant is entitled to get immediate agricultural connection as per stipulated time given in MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014. Hence following order :-

## ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant is hereby directed to issue agricultural connection to the applicant within 1 months from the date of this order.
- 3) Non applicant is hereby directed to pay compensation for delay in issuance of demand note and for delay in issuance of connection to the applicant according to MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014 read with regulation 8.2 (d) of the said regulation.
- 4) Non applicant is also directed to pay compensation to the applicant of Rs. 10000/- for loss or damage and harassment suffered by the consumer under regulation 8.2 © of the said regulations.
- 5) Non applicant is directed to submit compliance report within 30 days from the date of this order.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN