

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

Case No. CGRF(NZ)/161/2015

Applicant : Smt. Kalavati D. Girde
At.Peth(Faridpur), Po.Girad
Tq.Samudrapur,
Wardha.

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

Applicant :- Shri B.V.Betal,

Respondent by:- 1) Executive Engineer, Hinganghat Dn.
2) Dy.EE, Samudrapur, Sub-Division.

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

2) Adv.Subhash Jichkar
Member.

3) Mrs.V.N.Parihar,
Member / Secretary.

ORDER PASSED ON 05.11.2015.

1. The applicant filed present grievance application before this Forum on 09.09.2015 before Consumer Grievance Redressal Forum, Nagpur Rural Zone Nagpur and later on present case is transferred to this forum on 13-10-2015 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 applicant filed an application for single phase connection at her house, she filled in A1 form on 13-11-2014. Non applicant issued demand note on 13-07-2015 and there was delay for issuance of demand note. Till today applicant did not submit the test report but even then non applicant had given connection from existing line of agricultural pump on dated 28-09-2015. There was load shedding on the line of agricultural pump therefore requested to issue direction to give connection from single phase line. Applicant also claimed compensation as per SOP.

3. Non applicant denied applicant's case by filing reply dated 30.8.2015. It is submitted that applicant filed an application to give connection from single phase (230 Volts). On that phase laying of H.T. line 0.06 kms., one single phase transformer of 15 kVA and L.T. line 0.06 kms. was required. Accordingly estimate was prepared and submitted to sub division office. Applicant was not ready to give consent on stamp paper and therefore estimate was sanctioned in departmental scheme and demand note was given to the applicant on 03-07-2015, applicant paid that demand. Three phase existing line i.e. three phase transformer was available from that line. Single phase electricity supply of 230 Volt is given to the applicant on 28-09-2015. Applicant has already given test report on 01-09-2015 and therefore single phase connection was given on 28-09-2015. There was load shedding on three phase connection therefore applicant is demanding connection from single phase. As per the judgement of H'ble Electricity Ombudsman, applicant has no right to insist energy supply from particular L.T.line.

4. Forum heard arguments of learned Mr. Betal for the applicant and arguments of Mr. Sirase, Executive Engineer, Hinganghat Division for non applicant and perused record.

5. It is admitted fact that applicant filed application for single phase connection on 13-11-2014 and demand note is given to him on 13-07-2015. This demand note is not given within the period of 15 days according to MERC's SOP Regulations, the applicant is entitled for compensation for delay in issuing of demand note according to MERC's SOP Regulations 2005 read with MERC's SOP Regulations 2014 for the period of delay.

6. It is allegation of the applicant till now he had not given test report. But non applicant produced copy of test report dated 01-09-2015. Therefore the documentary evidence i.e. Test Report dated 01-09-2015 shows that Test Report is submitted on 01-09-2015. Therefore we find no force in allegation of applicant that connection is given without Test Report.

7. Applicant submitted test report on 01-09-2015 but connection is given to him on 28-09-2015. Therefore there is delay in issuance of connection within 15 days from the date of test report and for delay in giving the connection, the applicant is entitle for compensation under MERC SOP Regulations 2005 and 2014.

8. In representation No.21/2014 Shri Ramesh Devidas Gotephode vs. MSEDCL on 29-02-2012 in para 10 judgement of Hon'ble Electricity Ombudsman held is as under,

“From the above provisions, it seems that the distribution licensee viz. the respondent herein has a duty to supply electricity on request. However, the consumer is having no corresponding right to insist for electric supply from a particular feeder. Thus, in the present case, though the appellant request for supply of electricity through single phase system, he had no right of insist for such supply particularly when electricity has been supplied to him through a nearby three phase line through a single phase meter. The grievance of the appellant that his demand for electric supply from single phase system is not fulfilled is thus without any force because electric supply to his cattle shed is given from three phase line. It seems that the appellant ignored these hard facts and when on making complaints to the authorities of the respondent and to the Collector unnecessarily. This attitude of the appellant is deprecated. I find no substance in the grievance of the appellant. The order of the forum is perfectly legal and correct. Thus, I find that no interference in the order of the forum is called for.”

9. In representation No.102/2013 Sou.Anita Dilip Warbhe Vs. MSEDCL decided on 04-12-2012 Hon'ble Electricity Ombudsman, Nagpur in para 9 as under,

“The appellant insists for energy supply from single phase LT line probably in order to avoid facing the load shedding. A consumer has no right to insist energy supply from a particular LT line under any Regulations.”

10. Relying on the authorities cited supra we hold that the

consumer has no right to insist energy supply from particular LT line under in any Regulations therefore prayer of the applicant to give connection on the single line can not be granted.

11. However applicant filed A1 form application on 13-11-2014 and demand note is given to him on 13-07-2015 i.e. not within 15 days therefore the applicant is entitled for compensation for delay period furthermore applicant filed test report on 01-09-2015 but connection is given on 28-09-2015 i.e. not within 15 days from the date of producing of test report. Therefore applicant is entitle for compensation for the delay period as per MERC's SOP Regulations 2005 and 2014. Other prayers of the applicant can not be granted.

12. Furthermore learned IGRC passed order dated 24-06-2015 and directed non applicant to conduct departmental enquiry against Assistant Engineer, Girad and directed Executive Engineer, Hinganghat to submit enquiry report of the action within 15 days. However non applicant did not complied IGRC order within 15 days. Non applicant produced papers of departmental enquiry and fixed responsibility for late demand note and one Shri Prashant Parankar is held responsible for this enquiry report dated 06-11-2015. It is noteworthy that on 05-11-2015 it is matter before this forum. During the course of argument there was quarry to Shri Shirase, Executive Engineer as to why report of departmental enquiry is not produced before this forum. Immediately soon after hearing of this matter i.e. on 06-11-2015 to up till now no action is

taken against Assistant Engineer Girad and Shri Prashant Parankar by concerned Executive Engineer. It is matter of contempt of IGRC. Executive Engineer, Hinganghat shall take appropriate action against the person who are responsible.

13. It is noteworthy that this case was filed before CGRF Nagpur Rural Zone Nagpur on 09-09-2015 but this matter is transferred to this forum on 13-10-2015. We are deciding this matter within two months from the date of presenting this matter before this forum therefore no delay in deciding in this matter.

14. Hence forum proceed to pass the following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant shall pay compensation for the period of delay in issue of demand note according to MERC's SOP Regulations 2005 and 2014 to the applicant.
- 3) Non applicant shall pay compensation for not issuing connection within 15 days from date of produce of test report and for delay in issuing connection according to MERC's SOP Regulations 2005 and 2014.
- 4) Executive Engineer, Hinganghat is hereby directed to take departmental enquiry against concerned person who is held responsible in departmental enquiry and impose punishment in accordance to law.

- 5) Non applicant shall deduct amount of compensation from salary of concerned officer of MSEDCL for causing of delay who is held responsible in departmental enquiry.
- 6) Non applicant shall submit compliance report within 30 days.

Sd/-

(Mrs.V.N.Parihar)
MEMBER
SECRETARY

sd/-

(Adv. Subhash Jichkar)
MEMBER

sd/-

(Shivajirao S. Patil),
CHAIRMAN

