

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

Case No. CGRF(NZ)/186/2016

Applicant : Shri Nilkanth N.Karmenge
At.Girgaon,Po.Kora
Tq.Samudrapur
Dist.Wardha.

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

Applicant's Representative :- Shri Betal,

Respondent by:- 1) Shri Pawade, E.E.,Hinganghat Dn.
2) Shri Hedau,Dy.EE, Samudrapur

Quorum Present : 1) Shri Shivajirao S.Patil
CHAIRMAN

2) Mrs.V.N.Parihar
Member/Secretary

3) Shri N.V.Bansod,
Member

ORDER PASSED ON 26.12.2016.

1. The applicant filed present grievance application before this Forum on 06.12.2016 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. Applicant's case in brief is that he applied for agricultural connection on 07-03-2011 but demand was issued on 20-06-2011. Applicant paid amount of demand on 17-08-2011 and submitted test report on 07-09-2011. But supply was released on 30-06-2016. Though connection was released on 30-06-2016 MSEDCL issued

electricity bill in February-2015 so also since September-2015 to March-2016. Therefore applicant claimed compensation and requested to initiate departmental enquiry against concerned officers of MSEDCL.

3. Non applicant, denied applicant's case by filing reply dated 21.12.2016. It is submitted that applicant applied for agricultural connection on 07-03-2011 and demand was issued on 26-06-2011. Applicant paid amount of demand on 17-08-2011 and submitted test report on 08-09-2011. In seniority list of paid pending cases for the year 2011-12 name of the applicant was included but it was necessary to install 0.30 k.m. L.T. line. Sufficient fund were not allotted by Government therefore supply was released on 30-06-2016. It is submitted that due to over side, it was recorded in the office that electricity connected is released and supply is given on 15-02-2015. Therefore bills were issued for the period 15-02-2015 to 30-06-2016 but later on as per letter dated 15-12-2016 those bills were cancelled. Grievance application deserves to be dismiss.

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

5. Record shows that it was necessary to issue demand on 23-03-2011 but demand is issued on 20-06-2011 and there is delay in issuance of demand for the period 23-03-2011 to 20-06-2011 but present grievance application is filed on 06-12-2016 therefore claim for compensation regarding delay in issuing demand is barred by limitation as per Regulation 6.6 of the said Regulation. **According to Regulation 6.6 of the said Regulation "The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which cause of action has arisen"**. Cause of action for late demand arison on 20-10-2011 but present case is filed on 06-12-2016 therefore claim for compensation for late demand is

barred by limitation and can not be granted.

6. So far as compensation for late in releasing agricultural connection is concerned test report is submitted on 07-09-2011 therefore there is delay in issuing agricultural connection for the period 07-12-2011 to 29-06-2016 and applicant is entitled for compensation according to MERC's SOP Regulation.

7. It is rather surprising to note that test report is given on 07-09-2011 but connection is released on 30-06-2016 i.e. after about 5 years. Test report was submitted on 07-09-2011. Name of the applicant should have been included in alleged seniority list of paid pending cases in the year 2011-12, 2012-13, 2013-14 and 2014-15 but in all these years connection was not release on the so called ground of seniority list. It is unbelievable that during the period of 5 years name of the applicant could not reach. It appears that officers of MSEDCL are doing discrimination and manipulation in preparation of so called seniority list, for the reasons best know to them. It is not legal and proper but objectionable and actionable.

8. According to MSEDCL there is seniority list but this seniority list is not approved by the MERC and it is contrary to MERC's SOP Regulation. Therefore it is not legal and proper.

9. According to Non-applicant they have prepared seniority list and as per seniority list they are issuing agricultural connections. However in our opinion alleged seniority list is not legal and proper.

10. However, it is pertinent to note that in entire MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014, there is absolutely nothing written about the seniority list or details of

procedure to be formulated by M.S.E.D.C.L. If there are thousands of applications in alleged 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 SOP regulations. Even if office of M.S.E.D.C.L. had issued any circular about seniority list, said circular has absolutely no legal sanctity. It is pertinent to note that MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014 is issued by Hon'ble M.E.R.C. and binding on all officers of M.S.E.D.C.L. Non applicant has absolutely no right to prepare their own rules regarding the seniority that too contrary to MERC SOP regulations 2014. If really M.S.E.D.C.L. intent to observe the seniority list, they will have to approach Hon'ble M.E.R.C. to get the approval for amendment in SOP Regulations 2014. Unless and until SOP 2014 is not amended by Hon'ble MERC, alleged seniority list has absolutely no locus stand and M.S.E.D.C.L. can not ask the agriculturists to stand in Queue years together till they commit suicide for not providing of agricultural connection.

11. **According to MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) regulations 2005**, it was necessary for M.S.E.D.C.L. to give agriculture connection within 90 days but there was delay in giving agriculture connection and for that purpose applicant is entitled for compensation as per MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulations 2005 read with 2014.

12. Our Forum is constituted as per the provisions laid down u/s 42 (5) of Electricity Act 2003. It is specifically provided u/s 57 (2) of Electricity Act 2003

that "If Licensee fails to meet standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution may be initiated, he shall be liable to pay such compensation to the person affected as may be determined by appropriate Commission. According to Section 57 (3) of Electricity Act 2003, the compensation determined under sub-section (2) shall be paid by concerned Licensee within 90 days of such determination. Therefore Section 57 of Electricity Act 2003 is a mandatory provision for awarding the compensation.

13. Regulation 8.2 of MERC (CGRF & EO) Regulations 2006 reads as under : -

"If after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner,

(a) To remove the cause of Grievance in question;

(b) To return the consumer the undue charges paid by the consumer;

(c) To pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer;

Provided however that in no case shall any consumer be entitled to indirect,

consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity. To pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensee.

(d) Any other order, deemed appropriate in the facts and circumstances of the case”.

14. Therefore according to regulation 8.2 (c),(d) & (e) of the said regulations, this Forum is empowered and can pass order of compensation to redress grievance of the applicant as discussed above.

15. In case No.43/2005 decided on 01-06-2006 Hon'ble Maharashtra Electricity Regulatory Commission filed in para 9 of the order is as under:

“The Commission has also considered the submissions 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. Sub-sections (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-sections (5) and (7) of Section 42 do not give jurisdiction or authority to the Commission to issue such instructions as prayed for by MSEDCL”.

16. For these reasons in our opinion alleged seniority list is not legal and proper and on these counts farmers or employees can not be harass farmers for years together.

17. In this case officers of the MSEDCL had commuted blunder mistake, it is admitted fact that the electricity supply was released on 30-06-2016 even then electricity bills for the period 15-02-2015 to 30-06-2016 were issued though there was no meter and no supply. It is proved that later on, illegal electricity bills were cancelled as per letter dated 15-12-2015 but how electricity bills can be issued to the consumer to whom supply is not released, forms a big question mark. It is necessary to initiate departmental enquiry against concerned officers of MSEDCL who issued bogus bills for the period 15-02-2015 to 30-06-2016 though supply was not released. It is also matter of departmental enquiry as to why name of the applicant was not included in the alleged seniority list for the year 2011-12, 2012-13, 2013-14 and 2014-15.

18. For these reasons grievance application must be partly allowed. Hence Forum proceed to pass the following order.

ORDER

1. Application is partly allowed.
2. Claim for compensation for late demand is barred by limitation and therefore rejected.
3. Non-applicant is directed to pay compensation to the applicant for delay in releasing agricultural connection since 07-12-2011 to 29-06-2016 according to MERC's SOP Regulation.
4. Chief Engineer(NZ), MSEDCL, Nagpur is requested to initiate

Departmental enquiry to hold as to why electricity bills were issued by concerned officers for the period 15-02-2015 to 30-06-2016 though electricity connection is release on 30-06-2016 and may take appropriate action against the concerned officers in accordance with Rules, Regulations and Law.

5. Chief Engineer(NZ), MSEDCL, Nagpur is also requested to initiate Departmental enquiry and fix liabilities as to why name of the applicant was not included in alleged seniority list of paid pending cases for the year 2011-12, 2012-13, 2013-14 and 2014-15 though test report was submitted on 07-09-2011 and as to why there was 5 years delay in releasing the connection.
6. MSEDCL may deduct said amount of compensation from the salary of negligent officer of MSEDCL.
7. 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