

**Before Maharashtra State Electricity Board's  
Consumer Grievance Redressal Forum,  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/019/2005**

- Applicant : Shri Shivaji Ramaji Patil  
At. Ghode Plot Ward No. 6,  
Taluka Katol,  
Dist. Nagpur.
- Non-Applicant : The Nodal Officer,  
Assistant Engineer,  
O&M Division, Katol,  
NAGPUR.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.
- 2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 09.06.2005)**

The present grievance is filed case before this Forum on 26.04.2005 in the prescribed schedule "A" as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-release of electricity connection for his agricultural pump.

The matter was heard by us on 21.05.2005 and 09.06.2005 when both the parties were present. Documents produced by both of them are also perused by us.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. The non-applicant accordingly, submitted to this Forum his parawise remarks dated 07.05.2005 on 21.05.2005. A copy thereof was given to the applicant on 21.05.2005. The applicant requested for granting him time for offering his say on this parawise report. His request was granted and hearing was adjourned to 09.06.2005. On this date both the parties were present and they were heard.

The applicant contended that he owns an agricultural land at village Gangaladoh in Katol Tahasil of Nagpur District. He has also dug a well in this land. He had applied to the non-applicant for the purpose of releasing electricity connection for energizing 3.00 H.P. agricultural pump in his field which the applicant wanted to install for the purpose of irrigating his land through well water. Accordingly, the non-applicant issued a demand note to him on 12.08.2004. The applicant paid the demand note amount

to the non-applicant on 13.08.2004 and also submitted the test report on 23.08.2004. The applicant added that despite this position, electricity connection has not yet been released to him. The applicant further contended that he had filed his complaint under the said Regulations to the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the Office of the Superintending Engineer, Nagpur Rural Circle, Nagpur. In response to this complaint, hearing was given by this Unit to him on 30.03.2005. After the hearing, a letter, being letter number 2215 dated 31.03.2005, was issued to the applicant communicating to him that his seniority position in the waiting list of agricultural pumps to be energized stands at number 125 and further that electricity connection will be released to him after availability of the electrical materials required in this connection. The applicant further referred to the communication dated 10.01.2005 signed by the Sub-Engineer of MSEB's office at Kotal in which the Sub-Engineer has given instructions to the Line Helper to transport four electricity poles at the cost of the applicant for the purpose of laying the service line in the field of the applicant. He further stated that the work of digging of pits was also completed on 29.01.2005 but still the electricity connection is not released as requested for by the applicant. Referring to the comments made in the parawise report of the non-applicant, the applicant contended that the point regarding permission from the GSDA was not mentioned in the letter dated 31.03.2005 issued by the Internal Grievance Redressal Unit

headed by the Executive Engineer (Adm) in the Office of the Superintending Engineer, NRC, Nagpur and that this new point now raised in respect of GSDA permission is irrelevant. He added that the Sub-Engineer's communication dated 10.01.2005 addressed to the Line Helper a copy of which is produced by the applicant amply demonstrates that the MSEB was in a position to release electricity connection for the applicant's agricultural pump but still no action has been taken till to-day in respect of energization of his agricultural pump. According to the applicant, the non-applicant ought to have released electricity connection as per applicant's request immediately after he paid the demand note amount and after the work of transportation of four electricity poles and digging of pits for the purpose of laying the service line was completed. He lastly prayed that the non-applicant be directed to release the connection so as to enable him to start the work of irrigating his agricultural land in which he has already raised an orchard of orranges.

The non-applicant has stated in his parawise report that the village Gangaladoh in Katol Tahsil is included in the list of villages prepared by the GSDA and that permission of GSDA is a pre-requisite before the applicant's request is granted. It has also been stated in the parawise report that it will be possible to release electricity connection to the applicant's agricultural pump after the required electrical materials are available in the Sub-Division.

On the point of communication dated 10.01.2005 of the Sub-Engineer, MSEB's office at Katol referred to by applicant, the non-applicant contended that this communication cannot be construed to mean that the MSEB has released electricity connection as per applicant's request. Transportation of electricity poles and digging of pits are only a pre-requisite since in the absence this work, it is not possible to lay the service line. He further stated that the service line is laid only after the required electricity material is available in the Division or Sub-Division. According to him, there is nothing wrong if the Sub-Engineer has instructed the line helper to transport the electricity poles. He further contended that the Sub-Engineer concerned inadvertently thought that the applicant's case falls in the category of energisation of agricultural pumps of Scheduled Tribe persons in whose cases subsidy is available to MSEB and that this might have prompted the Sub-Engineer to issue written instructions dated 10.01.2005 to his Line Helper in respect of transportation of electricity poles etc. According to him, the applicant actually does not belong to the Schedule Tribes and hence he will have to wait till his turn comes.

We have carefully gone through the entire record of the case, all the documents produced by both the parties and the written and oral submissions made by them before us.

The grievance of the applicant is in respect of non-provision of electricity connection to his agricultural pump. The non-applicant is no doubt duty-bound to provide to the applicant the electricity connection asked for by him in a time-bound manner. We pointed out to the non-applicant the provisions of the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period of Giving Supply and Determination of Compensation) Regulations, 2005 and invited his attention in particular to the Regulation number 12 and Appendix "A" thereof and questioned him as to why the applicant's request could not be considered within the prescribed time limit of three months since in the instant case extension or augmentation of distributing main is only required. The non-applicant there-upon voluntarily stated that agricultural pump of the applicant will be energized in any case before 15.10.2005. The applicant, on his part, showed willingness to wait till then. Because of this voluntary assurance of the non-applicant and because the applicant also agreed to wait till then, we are of the view that the non-applicant should be allowed time up to 15.10.2005.

The point raised by the non-applicant in respect of prohibition for releasing electricity supply in village Gangaladoh since it is falling in the Gray Water Shed area of GSDA is not correct because we have already held in a similar case decided earlier that there is no prohibition as per Govt. Policy to release electricity connections to the agricultural pumps in villages covered by the Gray Water

Shed area. The other points raised in the instant case do not now survive in view of the assurance given by the non-applicant and in view of the applicant also agreeing to wait till 15.10.2005.

In the light of above, we accept the grievance application of the applicant and pass the following order :

The non-applicant shall arrange to erect the four electricity poles upto the field of the applicant immediately before the current kharip sowing operations are undertaken in the agricultural fields.

The non-applicant shall energize the agricultural pump of the applicant on or before 15.10.2005 as per voluntary assurance given by him failing which legal consequences may follow.

The non-applicant shall report compliance of this order to this Forum on or before 20.10.2005.

**(Smt. Gauri Chandrayan)**  
**MEMBER**

**(S.D. Jahagirdar)**  
**CHAIRMAN**

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL  
FORUM, NAGPUR URBAN ZONE, NAGPUR.**