

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

Case No. CGRF(NUZ)/025/2005

Applicant : Smt. Narmadabai Bhanji Deshbhratar
represented by her Son
Shri Manohar Bhanji Deshbhratar
At Kalambha, Post Yerla,
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 13.06.2005)

The present grievance application is filed 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 the applicant's agricultural pump.

The matter was heard by us on 10.06.2005 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 03.06.2005 on 10.06.2005. A copy thereof was given to the applicant's nominated representative on 10.06.2005 and he was given opportunity to offer his say on this parawise report also.

The applicant's representative contended that the applicant had applied to the non-applicant for releasing electricity connection for the 3 H.P. agricultural pump which the applicant wanted to install in her agricultural land at village Mohakhedi Tahsil Katol, Dist. Nagpur. The non-applicant there-upon issued a demand note to the applicant and the applicant paid the demand note amount on 22.02.2000. The applicant also submitted the test report on 15.05.2002. The applicant's representative further contended that the applicant had filed a complaint, being complaint number 0405/12 dated 02.03.2005, before the Internal

Grievance Redressal Unit headed by the Executive Engineer, (Adm) in the Office of the Superintending Engineer, Nagpur Rural Circle, MSEB, Nagpur under the said Regulations. In response to this complaint the Internal Grievance Redressal Unit heard the applicant on 05.04.2005. Upon hearing the applicant and MSEB's side, the Internal Grievance Redressal Unit issued a letter, being letter number 2338 dated 06.04.2005, addressed to the applicant communicating therein that the seniority position of the applicant in the waiting list prepared by MSEB's Sawargaon Sub-Division pertaining to the agricultural pumps to be energized stands at number 94 and that the village Mohkhedi in which the applicant's land falls is included in the Gray Water Shed area of GSDA wherein energisation of agricultural pumps is prohibited and further that the applicant's request would be considered only after the GSDA issues permission letter and after the material required for extension of the distributing main is available with the concerned Sub-Division. The applicant's representative has produced a copy of this letter which is among the case papers. The applicant's representative further contended that he was not shown the seniority list referred-to in the afore-mentioned letter dated 06.04.2005. According to him, the non-applicant is duty-bound to provide electrical connection as requested for by the applicant since he has already paid the demand note amount on 22.02.2000. He lastly prayed that the

non-applicant be directed to release the electricity connection at the earliest.

The non-applicant has admitted in his parawise report dated 03.06.2005 that the applicant did pay the demand note amount to MSEB for energisation of 3 H.P. agricultural pump on 22.02.2000 and also that the applicant submitted the test report on 15.05.2002. He has further stated that as per the present status, the applicant's seniority number in the list of agricultural pumps to be energized by MSEB stands at number 8 and further that the applicant's agricultural pump will be energized by him up to 31.10.2005 subject to availability of the required electricity material.

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

The applicant's grievance is in respect of energisation of her agricultural pump.

The Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the Office of the Superintending Engineer, Nagpur Rural Circle, MSEB, Nagpur communicated by his letter dated 06.01.2005 that village Mohkhedi from Katol Tahsil falls in the Gray Water Shed area of GSDA wherein energisation of agricultural

pumps is prohibited. This statement made by the Internal Grievance Redressal Unit is not correct in as much as prohibition in respect of energizing electrical pumps as per Government policy applies only to Dark Water Shed area of GSDA. There is no prohibition for energisation of agricultural pumps in the lands falling in Gray Water Shed area of GSDA. Therefore, the view taken by the Internal Grievance Redressal Unit is not in tune with the policy of Government and also of MSEB. During the course of hearing, the non-applicant also admitted that there is no prohibition from GSDA in respect of energisation of agricultural pumps in village Mohkhedi since this village falls in the Gray Water Shed area. It is pertinent to note that the non-applicant has not made any mention in his parawise report about this aspect. The non-applicant has stated in his parawise report that applicant's agricultural pump will be energized up-to 31.10.2005 but he has also put a rider stating that this is subject to the availability of the electricity material.

We are of the view that the non-applicant is duty-bound to provide electricity supply to the applicant's agricultural pump in a time bound manner un-conditionally. We pointed out to the non-applicant the provisions of the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for 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 time period of three months as prescribed in the afore-mention Appendix "A" since in the instant case extension or augmentation of distributing main is only required. The non-applicant there-upon voluntarily stated before us that the applicant's agricultural pump will be energized in any case before 15.10.2005. The applicant, on his part, showed willingness to wait till then. However, he stated that the electricity poles required for laying the service line be erected within a week's time before the current kharip sowing operations are completed. The non-applicant agreed to the suggestion made by the applicant's representative. Since the non-applicant has voluntarily assured that the applicant's agricultural pump would be energized in any case before 15.10.2005 and because the applicant's representative has also agreed to wait till 15.10.2005, the other points raised by both the parties do not now survive.

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

The non-applicant shall erect electricity poles required for laying the service line upto the applicant's agricultural land within a week's time from the date of this order.

The non-applicant shall further ensure that the applicant's agricultural pump is energized on or before 15.10.2005 as per his voluntary assurance 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.**