

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

Case No. CGRF(NUZ)/026/2005

- Applicant : Smt. Hirabai Ukandrao Tagade
represented by her nominated
representative---- her son
Shri Namdeo Ukundrao Tagade
At Waghoda, 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 23.06.2005)

The present grievance application is filed before this Forum in the prescribed schedule "A" on 26.05.2005 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-energisation of her agricultural pump.

The matter was heard by us on 21.06.2005 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 09.06.2005 on 21.06.2005. A copy thereof was given to the applicant's nominated representative on 21.06.2005 and he was given opportunity to offer his say on this parawise report also.

The applicant's representative has stated before us that the applicant owns an agricultural land at village Waghoda, Tahsil Katol, Dist. Nagpur and she wanted to install on the well in her field a 3 H.P. agricultural pump. For this purpose, she had applied to the non-applicant for releasing electricity connection for the purpose of energisation of the agricultural pump. In response to her application, the non-applicant issued a demand note of Rs. 5170/- which the applicant paid on 03.12.2003. She had also submitted to the non-applicant the requisite test report. It is her contention that despite payment of the demand note amount of Rs. 5170/- on 03.12.2003, her agricultural pump has not yet been energized by the non-applicant although

she has paid demand note amount long back. Since no action was forthcoming from the non-applicant, the applicant approached the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm) in the Office of the Superintending Engineer, Nagpur Rural Circle, MSEB, Nagpur on 28.03.2005. In response to her complaint the Internal Grievance Redressal Unit heard the applicant on 29.04.2005. and upon hearing, this Unit issued a letter, being letter number 2845 dated 29.04.2005 to the applicant. It has been mentioned in this letter by the Unit head that the village Waghoda in which the applicant's land is situated falls in the Gray Water Shed area of GSDA and further that as per policy of Government and also of MSEB, request of the applicant cannot be considered because of the prohibition regarding energisation of agricultural pump in the Gray Water Shed area of the GSDA. It has further been stated in this letter that the applicant's name stands at Sr. No. 65 in the seniority list prepared for energisation of agricultural pumps in Katol S/Dn. The Unit head also informed the applicant that the applicant will be refunded the demand note amount already paid by him. Thus, the complaint made by the applicant was disposed off by the Unit. Being aggrieved by this decision of the Internal Grievance Redressal Unit, the applicant approached this Forum under the said Regulations for redressal of her grievance.

The applicant's representative contended that the non-applicant is duty-bound to provide electrical connection as requested for by the applicant since the applicant has already paid the demand note amount. He

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

The non-applicant has admitted in his parawise report dated 09.06.2005 that the applicant did pay the demand note amount to MSEB on 03.02.2003 and also submitted the requisite test report. However the applicant's name stands at Sr. No. 65 in the seniority list prepared for the purpose of energisation of agricultural pumps in Katol Sub-Division. He has further stated that the applicant's request will be considered as and when her turn comes subject to availability of the required electricity materials in Katol Sub-Division.

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 of them before us.

The applicant's limited grievance is in respect of non-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 29.04.2005 to the applicant that village Waghoda 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 agricultural

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 in this respect so far as village Waghoda is concerned since it 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 only stated in his parawise report that the request of the applicant will be considered as and when her turn comes subject to the availability of the electrical 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 that too, without putting any condition. 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 31.10.2005. The applicant, on his part, showed willingness to wait till then. In view of this position, all other points raised by the non-applicant 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 ensure that the applicant's agricultural pump is energized on or before 31.10.2005 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 05.11.2005.

(Smt. Gouri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.D.C. Ltd's CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**