

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

Case No. CGRF(NUZ)/029/2005

Applicant : Shri Gopichand Gulab Dupare,
At Bori (Sadachar)
Taluka Kuhi,
Dist. NAGPUR.

Non-Applicant : The Assistant Engineer,
O&M Division No.-I,(NUZ),
representing MSDC Ltd.,
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 11.07.2005)

The present grievance application is filed before this Forum on 17.06.2005 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-energisation of his agricultural pump.

The matter was heard by us on 06.07.2005 and both the parties were heard by us. Documents produced by both of them are also perused by us.

After receipt of the grievance application, the non-applicant was directed to send parawise remarks on applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. The non-applicant accordingly, submitted the parawise report dated 24.06.2005 before this Forum on 06.07.2005. A copy thereof was given to the applicant on 06.07.2005 before the case was taken up for hearing and he was afforded opportunity of hearing on this parawise report also.

The applicant owns an agricultural land at village Bori (Sadachar) Taluka Kahi, Dist. Nagpur. He wants to irrigate his agricultural field through the well in his land. For this purpose, he had applied to the non-applicant for release of electricity connection for a 3 H.P. agricultural pump in his field. The non-applicant, upon receipt of the applicant's application, issued a demand note to the applicant. Accordingly, the applicant paid amount of Rs.4870/- on 23.11.2002 and another Rs. 995/- on 17.12.2002. The applicant also submitted to the non-applicant the requisite test report. The applicant belongs to Scheduled Caste and hence his name is enlisted at Sr. No. 21 in the list of energisation of agricultural pumps under Special Component Plan. Although the applicant has completed all the formalities from his side, electricity connection sought for by him is not released by the non-applicant.

The applicant has contended that he completed all the requirements as suggested by the non-applicant. He paid the demand note amounts and also submitted the requisite test report. According to him, his request for electricity connection for the purpose of energisation of his 3 H.P. agricultural pump has not yet been granted by the non-applicant. He further submitted that he is unable to irrigate his agricultural field through the well water for want of the required electricity connection which the non-applicant has failed to provide since the year 2002. He prayed that the non-applicant be directed to release the electricity connection sought for by him forth-with. He has also demanded compensation as per rules in force.

The non-applicant has admitted in the parawise report dated 24.06.2005 that the applicant did pay the demand note amounts. The non-applicant has also admitted that the applicant has also submitted the required test report on 26.11.2002. It has further been stated by the non-applicant that as many as three electricity poles will have to be erected and a 0.18 Km. long LT service line laid for the purpose of energisation of the applicant's agricultural pump. The applicant is a beneficiary under the Special Component Plan and his seniority number stands at number 21 in the list of energisation of agricultural pumps meant for Scheduled Caste beneficiaries. According to the non-applicant, the current status of the applicant in the seniority list mentioned above stands at Sr. No. 17. The non-applicant added that the request of the applicant will be

granted as and when his turn comes subject to availability of material.

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

The limited grievance of the applicant is in respect of non-provision of electricity connection to his 3 H.P. agricultural pump and about compensation.

The non-applicant has admitted that all the required formalities have been completed by the applicant in as much as he has paid the demand note amounts and that he also submitted the test report asked for from him. According to the non-applicant, the agricultural pump of the applicant will be energized as and when his turn comes. It has also been contended by the non-applicant before us that the request of the applicant will be granted subject to availability of electricity material in the Sub-Division.

According to us, the non-applicant is duty-bound to provide the electricity connection sought for by the applicant in a time bound manner. We questioned the non-applicant whether extension or augmentation of distributing main or commissioning of a Sub-Station is required in order to enable the non-applicant to grant the request of the applicant. Reply of the non-applicant to this specific question is that, in the instant case, only extension or augmentation of distributing main is required and that there is no necessity of commissioning of a separate Sub-station. Thereupon we invited the non-applicant's attention to the provisions of the Maharashtra Electricity Regulatory

Commission (Standards of Performance Of Distribution Licensees, Period of Giving Supply and Determination of Compensation) Regulations, 2005 here-in-after referred-to-as the SOP Regulations and brought to his notice that the prescribed time period for provision of electricity supply in the instant case is of three months. This time period of three months is to be reckoned from the date of receipt of completed application and payment of charges. In the instant case, the applicant has already paid the demand note amounts on 23.11.2002 and 17.12.2002 and he has also submitted the requisite test report on 26.11.2002 i.e. much before the SOP Regulations came into force i.e. much before 20.01.2005. According to us, the applicant's application was pending on 20.01.2005 on which date the SOP Regulations came into force. Hence, the time period prescribed by the SOP Regulations commences in the instant case from 20.01.2005. It was, therefore, incumbent upon the non-applicant to have provided the electricity connection to the applicant within a period of three months from 20.01.2005 i.e. before 20.04.2005. However, the non-applicant has not as yet provided the electricity connection to the applicant.

It is pertinent to note that the applicant, during the course of hearing, has demanded compensation as per rules. The non-applicant was given opportunity by us to offer her say on the point of compensation and the provisions of SOP Regulations. The non-applicant has expressed her inability to offer any say on the point of compensation. The only thing which the non-applicant stated before us was that unless the applicant's turn comes and unless the required

electricity material is available, the applicant's request cannot be considered.

We are convinced about the genuineness of the claim of the applicant in respect of releasing electricity connection for the purpose of energisation of his agricultural pump and also about his request for grant of compensation payable to him in terms of the SOP Regulations.

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

The non-applicant shall provide the electricity connection to the applicant as sought for by him before 31.10.2005. The non-applicant shall also be bound to pay compensation at the of Rs.100/- per week or part there of to the applicant w.e.f. 21.04.2005 till 31.10.2005 or till the date of actual energisation of his agricultural pump whichever is earlier. This compensation shall be paid by the non-applicant to the applicant as provided in Regulation number 12 read with Appendix "A" of the SOP Regulations.

(Smt. Gouri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

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

CHAIRMAN
Maharashtra State Distribution Co. Ltd.,
Consumer Grievance Redressal Forum,
(NUZ), Nagpur.