

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

Case No. CGRF(NUZ)/033/2005

- Applicant : Smt. Nimbibai Barkuji Murodiya
represented by her son
Shri Ramdas Barkuji Murodiya
Panchwati, Katol,
Taluka Katol,
Dist. Nagpur.
- Non-Applicant : The Nodal Officer,
Executive Engineer,
O&M Division, Katol,
NAGPUR representing the MSDCL.
- 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 20.07.2005)

This grievance application is filed before this Forum on 02.07.2005 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 her 3 H.P. agricultural pump.

The matter was heard by us on 20.07.2005 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 his parawise remarks dated 18.07.2005 before this Forum on 18.07.2005. A copy thereof was given to the applicant's nominated representative on 18.07.2005 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The applicant's contention is that she had applied to the non-applicant on 10.06.2004 for the purpose of releasing electricity connection for her 3 H.P. agricultural pump in her land. However, her request has not been granted although a period of more than 13 months has elapsed from the date of filing her application.

The applicant had approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the Office of the Superintending Engineer, Nagpur Rural Circle, MSEB, Nagpur raising her grievance of non-energisation of her agricultural pump. Her grievance

was heard by this Unit on 02.06.2005 and 15.06.2005. The Unit, upon hearing the matter, decided it on 17.06.2005. The Unit there-upon issued a letter, being letter number 3994 dated 17.06.2005, to the applicant informing her that the Assistant Engineer, Katol S/Dn. has been instructed to consider her application for release of electricity connection as per the provisions laid down in the Electricity Act, 2003 and as per the Regulations of Maharashtra Electricity Regulatory Commission after examining the technical requirements and that the Assistant Engineer should communicate to the applicant about action taken in this respect within seven days.

The applicant was not satisfied with the decision and reply given to her by the Unit and hence, she filed the present grievance application before this Forum.

The applicant's representative vehemently contended that her land is situated close to the existing Distribution Transformer which is known as Kale Transformer and that no poles are required to be erected for the purpose of taking the electricity supply from this Transformer. The applicant's representative added that the non-applicant has not taken any steps to increase the potential of this Transformer during the period of last 13 months. He argued that the responsibility of extension or augmentation of the existing distribution main was lying squarely upon the non-applicant which he failed to discharge. It is his further submission that he had approached the non-applicant several times for getting a demand note but the non-applicant did not issue any demand note to the applicant with the result that the applicant could

not pay the requisite demand note amount. He requested that the non-applicant be directed to issue demand note immediately and to release the electricity connection sought for by the applicant at the earliest.

The non-applicant has stated in his parawise report that the applicant did apply to MSEB on 10.04.2004 for the purpose of release of electricity connection to her 3 H.P. agricultural pump in her field. However, the village Wadhona in which the applicant's land is situated falls in the Gray Water Shed area of GSDA for which an extension scheme has not yet been sanctioned by the Rural Electrification Corporation. According to the non-applicant, the request of the applicant could be considered only after Rural Electrification Corporation sanctions the new scheme of augmentation of electricity supply and further that it is not possible to release electricity connection to the applicant from the existing Kale Transformer since its capacity is fully exhausted. The non-applicant further stated that the survey carried out by him revealed that as many as seven electricity poles will have to be erected and service line laid up to the field of the applicant, that too, from the other Distribution Transformer known as Naukaria D.P. and that the applicant is not prepared to bear the expenditure for erection of additional poles. He further stated that this alternate solution is also subject to the sanction of the new augmentation scheme by the Rural Electrification Corporation.

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

The applicant's limited grievance is about non-provision of electricity supply to her agricultural pump although a period of more than one year has elapsed since the date of filing her application to the non-applicant.

The non-applicant has stated before us that augmentation or extension of the existing distribution main is required in the instant case. The non-applicant has also stated before us that the demand note has not yet been issued to the applicant because of no scope for accommodating the applicant's request from the existing infrastructure.

In this respect Regulation number 4.3 of the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensee, Period for Giving Supply and Determination of Compensation) Regulations, 2005 hereinafter referred to as SOP Regulations clearly provides that the Distribution Licensee shall complete the inspection of the premises related to an application for supply of electricity within ten days from the date of submission of such application for supply in rural areas, regardless of whether such application is deemed to be complete under Regulation number 4.2. In the instant case, this inspection seems to have been done but the non-applicant has not given supply of electricity to the

applicant within a period of three months as stipulated in Regulation number 4.5 of SOP Regulations.

It has been observed by us that the applicant has approached the non-applicant repeatedly for issuing to her requisite demand note which the non-applicant has not issued till date. The non-applicant can not, therefore, take a stand that the applicant's application is incomplete because of non-payment of the requisite demand note amount. The applicant on his part has shown willingness to deposit the requisite demand note amount as soon as the non-applicant issues such a demand note. It was incumbent upon the non-applicant to have issued the demand note to the applicant because the SOP Regulations, particularly Regulation number 4 and 12 read with appendix "A" thereof clearly provide that the applicant's request should have been granted within a period of three months. This period of three months is required to be reckoned from the date of receipt of completed application and payment of charges. In the instant case, it is evident that the applicant did not pay the charges because he was not given the requisite demand note by the non-applicant. In other words, the non-applicant has been avoiding to issue the demand note to the applicant on the ground that the existing distribution main is required to be extended or augmented. Now the job of carrying out the process of extension or augmentation of the distributing main rests squarely upon the non-applicant. The SOP Regulations provide that the non-applicant should complete this process within a period of three months which the non-applicant has not done so far with the result that the applicant's

application is still pending at the level of the non-applicant. Moreover, Appendix "A" of the SOP Regulations provides for level of compensation payable to consumer for failure to meet Standards of Performance. In that, a compensation of 100/- per week or part thereof of delay is clearly provided.

In view of above, we are of the view that the non-applicant must issue demand note to the applicant within a period of one week and accept the demand note amount from the applicant when she comes to the non-applicant for its payment. The other formality of giving test report should also be completed by the applicant so that, within a period of three months from the date of payment of charges, the non-applicant will be bound to release the electricity connection sought for by the applicant. Taking into account these aspects, we also hold that the applicant's request for energisation of her agricultural pump should be granted by the non-applicant before 31.10.2005 failing which compensation of Rs. 100/- per week or part thereof of delay beyond 31.10.2005 shall be payable to the applicant.

In the light of above, we pass the following order.

The non-applicant shall issue a demand note to the applicant on or before 27.07.2005. The applicant on her receiving the demand note from the non-applicant shall pay the demand note amount to the non-applicant before 31.07.2005. The requisite test report shall also be submitted by the applicant as far as possible before 31.07.2005. In the event of the applicant completing these formalities before

31.07.2005, the non-applicant shall, within a period of three months from the latest date of completion of these formalities shall release electricity supply and energize the applicant's agricultural pump. The entire process shall be completed before 31.10.2005 by the non-applicant failing which legal consequence of payment of compensation in terms of Regulation number 12 of the SOP Regulations shall ensue.

The non-applicant shall report compliance of this order on or before 10-11-2005 without fail.

(Smt. Gouri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

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

Chairman
Consumer Grievance Redressal Forum
Maharashtra State Distribution Co.Ltd.,
NUZ, Nagpur.