

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

Case No. CGRF(NUZ)/036/2005

- Applicant : Shri Prakash Kisanlalji Akare
At Shantinagar, Bagade Plot,
Prabhag No. 19, Post, Nayapura,
Nagpur.
- Non-Applicant : The Nodal Officer,
Assistant Engineer,
Division No. – I,
Nagpur representing the MSEDCL.
- 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.
- 3) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal
Forum, NUZ, MSEDCL, Nagpur.

ORDER (Passed on 11.08.2005)

This grievance application is filed before this Forum on 06.07.2005 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 his 3 H.P. agricultural pump.

The matter was heard by us on 11.08.2005. The applicant was present on this date and he was heard. The non-applicant remained absent despite due service of notice on the non-applicant.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks to this Forum on the applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. The non-applicant, accordingly, submitted the parawise remarks dated 14.07.2005 which was received by this Forum on 19.07.2005. A copy thereof was given to the applicant on 11.08.2005 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The applicant holds an agricultural land at village Kawdak (Dudhala), Tahsil, Ramtek, Dist. Nagpur. He has dug a well in this land. He wants to irrigate his land through the well water and for this purpose he applied to the non-applicant with a request to release electricity connection for energisation of a 3 H.P. agricultural pump in his field. Upon receipt of the application from the applicant, the non-applicant issued a demand note and the applicant has paid the demand note amount on 29.11.1999. He has also submitted to the non-applicant the requisite test report on 29.11.1999.

The applicant's contention is that although he has completed all the formalities way back in November-1999, the

non-applicant has not released electricity connection for energisation of his agricultural pump although a period of more than 5 ½ years has elapsed since the date of completion of all the formalities.

The applicant is a beneficiary under the State Government's Jawahar Yojna meant for digging of wells by agriculturists for irrigation purpose.

The non-applicant was absent although duly served. The non-applicant's say is, therefore, taken as per the parawise report dated 14.07.2005.

The non-applicant has admitted in the parawise report dated 14.07.2005 that the applicant did pay the demand note amount on 29.11.1999 and also that the applicant did submit the requisite test report on 29.11.1999. It is the submission of the non-applicant that as many as three electricity poles will have to be erected and a 0.18 Km. low voltage service line will have to be laid if the applicant's request is decided to be granted. The non-applicant has prepared a seniority list of the applicants desiring to energize their agricultural pumps. According to this seniority list, the applicant's name stands at Sr. No. 198 as in March,2005. There are as many as 197 beneficiaries in this list above the applicant whose electricity connections are still pending. The grievance of the applicant was heard by the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm), Nagpur Rural Circle of MSEDCL. This Unit communicated to the applicant that the applicant's request will be considered as per his seniority position subject to availability of material as per the rules of the MSEDCL.

We have carefully gone through the record of the case and documents produced by both the parties.

We have also gone through all the submissions made by both the parties.

The applicant's limited grievance is in respect of non-provision of electricity connection for his 3 H.P. agricultural pump.

There is no dispute about the fact that the applicant did pay the demand note amount issued by the non-applicant on 29.11.1999. There is also no dispute that the applicant did submit to the non-applicant the requisite test report. It, therefore, follows the applicant has completed all the formalities. The non-applicant's stand is that the applicant's request will be considered as and when his turn comes subject to availability of materials.

The Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the office of the Superintending Engineer, NRC, MSEDCL, Nagpur has already heard the grievance of the applicant and issued a letter, being letter dated 10.06.2005, which is on record communicating that the applicant's request would be granted by the end of March,2006 and further that his complaint application in this respect stands disposed off. It is seen from the parawise report of the non-applicant that in the instant case augmentation or extension of the existing distributing main is required. Now Regulation number 4.5 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

provides that where the supply of electricity to a premises requires extension or augmentation of the distributing main, the Distribution Licensee shall give supply to such premises within a period of three months from the date of receipt of completed application in accordance with the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. Hence, it is crystal clear from this legal provision that the non-applicant ought to have released the electricity connection to the applicant within a period of three months from the date on which he completed all the formalities.

It is pertinent to note that the SOP Regulations have come into force w.e.f. 20.01.2005. The applicant's application for release of electricity connection for his agricultural pump was pending with the non-applicant on this date i.e. 20.01.2005. Hence it follows that the applicant's agricultural pump ought to have been energized on or before 20.04.2005 which the non-applicant did not do. Since the time period for providing electricity supply to the applicant has already expired in the instant case, the non-applicant shall be bound to pay compensation to the applicant @ Rs. 100/- per week or part thereof of delay as provided in Regulation number 12 read appendix "A" of the SOP Regulations. So whatever may be the constraints of the non-applicant in not providing the electricity connection to the applicant, the legal provisions of the SOP regulations cast a mandatory responsibility upon the non-applicant to provide electricity connection to the applicant within the prescribed maximum time period of three months and in the event of not meeting

this level of performance, the non-applicant shall be bound to pay compensation in terms of the SOP Regulations.

It is clear to us from the record that the applicant's grievance has not yet been removed by the non-applicant and that there has been an inordinate delay in this respect.

Looking to the circumstances of the case and in the light of above, we pass the following order.

The non-applicant shall release electricity connection to the applicant as requested for by him on or before 30.11.2005. The non-applicant shall pay to the applicant compensation @ 100/- per week or part thereof of delay beyond 30.11.2005 in case the non-applicant does not energize the applicant's agricultural pump before 30.11.2005.

This compensation shall be payable as provided in Regulation number 12 of the SOP regulations.

The non-applicant shall report compliance of this order to this Forum on or before 31.12.2005.

Sd/-	Sd/-	Sd/-
(M.S. Shrisat)	(Smt. Gouri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	Member	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**