

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

Case No. CGRF(NZ)/31/2017

Applicant : Shri Bhimrao N.Patil
At Po.Shekapur, Tq.Hinganghat
Dist. Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL,
Hinganghat.

Appellant's representative :- Shri Betal,

Respondent by 1) Shri Pawade,EE, O&M Division,MSEDCL, Hinganghat
2) Shri Awachat,Dy.E.E., Hinganghat S/Dn.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.
2) Shri N.V.Bansod
Member
3) Mrs. V.N.Parihar,
Member, Secretary

ORDER PASSED ON 03.04.2017.

1. The Applicant filed present grievance application before this Forum on 06.03.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that he applied for agricultural connection on 17.04.2015. Demand was issued on 20.07.2015. Amount of demand was paid on

14-08-2015. Test Report was submitted on 25.08.2015. The supply is given on 15-03-2017. Applicant claimed compensation according to Maharashtra Electricity Regulatory Commission SOP Regulation.

3. Non applicant denied the applicant's case by filling reply dated 23.03.2017. It is submitted that date of application, date of demand, date of payment and date of test report given by the applicant are correct. But it is submitted that date of releasing the supply is 02-03-2017. It was necessary to install 63 kVA Distribution transformer, 0.42 km HT line and 0.48 km LT line. This infrastructure was not ready. **According to Regulation 4.9 of MERC's SOP Regulation 2014 period for giving supply is one year.**

3. Forum heard arguments of both the side and perused record.

4. Infrastructure was not ready, therefore stipulated time period for issuing demand in rural area is 30 days. Date of application is 17-04-2015 and date of demand is 20-07-2015 and therefore there is delay in issuing demand for the period 18-05-2015 to 19-07-2015 and applicant is entitle for compensation according to MERC's SOP Regulation 2014.

5. Test report is submitted on 25-08-2015. Therefore all formalities are completed on 25-08-2015. In this case it was necessary to installed 63 KVA Distribution Transformer, 0.42km HT line and 0.48 km LT line. Therefore this infrastructure was incomplete and hence according to Regulation 4.9 of MERC's Supply Code Regulation 2014 period for releasing supply is one year from the completion of necessary formalities. Test report is submitted on 25-08-2015 therefore there is delay in releasing the supply for the period 25-08-2016 to 01-03-2017 and applicant is entitled for

compensation according to MERC's SOP Regulation.

6. On the point of Regulation 4.9 of MERC's SOP Regulation 2014 about period for releasing supply is one year, this purpose we placed our reliance on the **Judgement of Hon'ble Electricity Ombudsman Nagpur in representation no.37/2016 decided on 19-09-2016 in case of Shri Gajanan Mahadeo Khadse V/s. Executive Engineer, MSEDCL, Hinganghat. In this case in para 5 of the order it is held as under,**

Para-5:- "It is observed that the respondent received test report on 28-09-2015. Thus, the application of the appellant was complete in all respects on 28-09-2015. As per the submission of the respondent, in order to give electric supply to the appellant, it was necessary to install 63 KVA Transformer and to lay LT line of 0.12 kms. Under R.4.9 of the SOP Regulations, period of one year is granted for supply of electricity. In the present case, electric supply was released to the appellant on 26-07-2016 i.e. before one year from 28-09-2015. As such, the appellant is not entitled to compensation on this count. The forum erred in granting compensation to the appellant by observing that it was necessary to release supply within 90 days from the date of completion of the application".

7. According to the applicant there is seniority list however this seniority list is not approved by MERC. It is contrary to MERC's SOP Regulation. Therefore seniority list is not legal and valid.

8. According to Non-applicant they have prepared seniority list and as per seniority list they are issuing agricultural connections. However in our opinion alleged seniority list is not legal and proper.

9. However, it is pertinent to note that in entire MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014, there is

absolutely nothing written about the seniority list or details of procedure to be formulated by M.S.E.D.C.L. If there are thousands of applications in alleged seniority list, it does not mean that M.S.E.D.C.L. is authorized to delay issuance of agricultural connection beyond stipulated time period laid down in SOP regulations. Even if office of M.S.E.D.C.L. had issued any circular about seniority list, said circular has absolutely no legal sanctity. It is pertinent to note that MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014 is issued by Hon'ble M.E.R.C. and binding on all officers of M.S.E.D.C.L. Non applicant has absolutely no right to prepare their own rules regarding the seniority that too contrary to MERC SOP Regulations 2014. If really M.S.E.D.C.L. intent to observe the seniority list, they will have to approach Hon'ble M.E.R.C. to get the approval for amendment in SOP 2014. Unless and until SOP Regulations 2014 is not amended by Hon'ble MERC, alleged seniority list has absolutely no locus standy and M.S.E.D.C.L. can not ask the agriculturists to stand in Queue years together till they commit suicide for not providing of agricultural connection.

10. **According to MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) regulations 2005**, it was necessary for M.S.E.D.C.L. to give agriculture connection within 90 days but there was delay in giving agriculture connection and for that purpose applicant is entitled for compensation as per MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulations 2005 read with 2014.

11. State Government has constituted Maharashtra Electricity Regulatory

Commission as laid down u/s 42 of Electricity Act 2003. Our Forum is constituted as per the provisions laid down u/s 42 (5) of Electricity Act 2003. It is specifically provided u/s 57 (2) of Electricity Act 2003 that "If Licensee fails to meet standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution may be initiated, he shall be liable to pay such compensation to the person affected as may be determined by appropriate Commission. According to Section 57 (3) of Electricity Act 2003, the compensation determined under sub-section (2) shall be paid by concerned Licensee within 90 days of such determination. Therefore Section 57 of Electricity Act 2003 is a mandatory provision for awarding the compensation.

12. Regulation 8.2 of MERC (CGRF & EO) Regulations 2006 reads as under : -

"If after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the Grievance is correct, it shall issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner,

- (a) To remove the cause of Grievance in question;*
- (b) To return the consumer the undue charges paid by the consumer;*
- (c) To pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer;*

Provided however that in no case shall any consumer be entitled to indirect

consequential, incidental, punitive, or exemplary damages, loss or profits or opportunity. To pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensee.

(d) Any other order deemed appropriate in the facts and circumstances of the case”.

13. Therefore according to regulation 8.2 (c),(d) & (e) of the said regulations, this Forum is empowered and can pass order of compensation to redress grievance of the applicant as discussed above.

14. **In case No.43/2005 decided on 01-06-2006 Hon’ble Maharashtra Electricity Regulatory Commission filed in para 9 of the order is as under:**

“The Commission has also considered the submissions of MSEDCL for issuance of instructions to the Consumer Grievance Redressal Forum (CGRF) at Nagpur not to direct MSEDCL or insist on release of power to agricultural pump sets pending the decision of the Commission in the present matter. Sub-sections (5), (6) and (7) of Section 42 of EA 2003 provides the statutory basis under which grievances are required to be redressed by the forums established by distribution licensees. These statutory provisions read with the regulations made under sub-sections (5) and (7) of Section 42 do not give jurisdiction or authority to the Commission to issue such instructions as prayed for by MSEDCL”.

15. Hence we proceed to pass the following order.

ORDER

1. Grievance application is partly allowed.
2. Non-applicant shall pay compensation to the applicant for issuing of late demand for the period 18-05-2015 to 19-07-2015 according to MERC's SOP Regulation 2014.
3. Non-applicant shall pay compensation to the applicant for delay in releasing supply for the period 25-08-2016 to 01-03-2017 according to MERC's SOP Regulation 2014.
4. Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN