

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

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**Case No. CGRF(NUZ)/044/2005**

- Applicant : Shri Atmaram Nama Lonare  
At- Raipur Mohalla, Hingna,  
Tahsil- Hingna,  
Nagpur.
- Non-Applicant : The Nodal Officer,  
The Assistant Engineer,  
Division No. – II,  
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 30.08.2005)**

The present grievance application is filed by the applicant in the prescribed schedule "A" before this Forum on 01.08.2005 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-provision of electricity connection to his 3 H.P. agricultural pump.

The applicant had earlier approached the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm) in the Office of the Superintending Engineer, Nagpur Rural Circal, MSEB, Nagpur as per the Regulations No. 6.7 and 6.8 of the said Regulations on 11.10.2004. Upon hearing the matter, this Unit passed an order on 07.12.2004 stating therein that the agricultural pump of the applicant should be energized on or before 31.07.2005 subject to the seniority of the applicant in the list of beneficiaries prepared for this purpose and also subject to availability to materials. Accordingly, the Unit informed the applicant by its letter, being letter No. 9279 dated 07.12.2004. Since no remedy was provided to the applicant before 31.07.2005 as ordered by the Internal Grievance Redressal Unit, the applicant approached this Forum for redressal of his grievance under the said Regulations.

The matter was heard by us on 24.08.2005 when both the parties were present. Both of them were heard by us. Documents produced by both the parties are also perused & examined by us.

The contention of the nominated representative of the applicant is that the applicant holds an agricultural land at village Nanda-Khurd, Tahsil Hingna, Dist. Nagpur. The applicant has dug a well in his land. He wants to irrigate his agricultural field through this well water. For this purpose, he applied to the non-applicant for releasing a new electricity

connection for energizing his 3 H.P. agricultural pump. Upon receipt of the application, the non-applicant issued a demand note to the applicant and he paid the demand note amount on 22.09.2001. He also submitted the requisite test report to the non-applicant on 09.10.2001. Despite this position, the applicant's agricultural pump has not been energized by the non-applicant although a period of around four years has elapsed since the date of completion of the formalities by the applicant. The applicant's representative vehemently argued that the applicant can not irrigate his agricultural land for want of supply of electricity to his agricultural pump and that delay on the part of the non-applicant is causing monetary loss to the applicant. He also stated that it was agreed before the Internal Grievance Redressal Unit by all concerned that the applicant's agricultural pump will be energized on or before 31.07.2005. Still the assurance given by the Unit has not yet been executed by the non-applicant.

He lastly prayed that the non-applicant be directed to energise his agricultural pump immediately.

The non-applicant has stated in his parawise report dated 16.08.2005 that the applicant's request could not be granted so far for want of the requisite materials and further that the applicant's turn is yet to come. His seniority position stands at number 176 in the list prepared for the purpose of energisation of agricultural pumps of the agriculturists under Hingna Sub-division. It has also been stated by the non-applicant in his parawise report that the applicant is already informed about this position and about the inability of the non-applicant to energize his agricultural pump before 31.07.2005 vide his letter No. 3799 dated

20.06.2005. The non-applicant has also produced a copy of the Chief Engineer's letter, being letter No. 1144 dated 17.06.2005 addressed to the Technical Director, MSEDCL, Mumbai in which the Chief Engineer has expressed difficulties in respect of energization of agricultural pumps. A copy of the letter No. 3869 dated 13.06.2005 addressed to the Chief Engineer, NUZ, MSEDCL, Nagpur by the Superintending Engineer, NRC in respect of issuance of guidelines regarding release of electricity connections for agricultural pumps is also produced by the non-applicant.

The non-applicant expressed his inability to provide electricity connection to the applicant immediately. The non-applicant further stated before us that the applicant's agricultural pump will be energized as and when his turn comes subject to availability of materials.

We have carefully gone through the entire record of the case, documents produced by both the parties as also all the submissions made before by both of them.

There is no dispute that the applicant paid the demand note amount on 22.09.2001 and also that the applicant submitted the requisite test report on 09.10.2001. The non-applicant's difficulty is that the requisite material for energizing the agricultural pumps of the applicant and others is not available in Hingna S/stn. The non-applicant has further stated that as per the seniority list, the applicant stands at serial No. 176 as in July, 2005. The non-applicant is unable to release the electricity connection to the applicant overriding the claims of applicants who are senior to him in the list. He has, therefore, stated that the agricultural pump of the

applicant will be energized as and when the applicant's turn comes that too, subject to availability of the materials. The applicant, on the contrary, states that he ought to have been granted the electricity connection since he has completed all the formalities around four years back.

In this respect, let us see what is provided in the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 herein-after referred to as the SOP Regulations. Regulation No. 4.5 of the SOP Regulations clearly provides that where the supply of electricity to a premises requires extension or augmentation of distribution mains, the Distribution Licensee shall give supply to such premises within three months from the date of receipt of complete application in accordance with the Maharashtra Electricity Regulatory Commission ( Electricity Supply Code and Other Conditions of Supply) Regulations, 2005.

We asked a pointed question to the non-applicant as to whether, in the instance case, extension or augmentation of distribution main is required or otherwise. The reply of the non-applicant was that, in the instance case, extension or augmentation of distributing main is only required. This means that as per SOP Regulations the non-applicant is duty bound to supply the electricity to the applicant's agricultural pump within a period of three months from the date of receipt of completed application and payment of charges. There is no dispute about the fact that the applicant has already made the payment to the non-applicant as per the non-applicant's demand note. The non-applicant is also not saying that the

applicant's application is incomplete in any respect. Moreover, the applicant's application was pending with the non-applicant on 20.01.2005 when the SOP Regulations came into force. Hence, it follows that a mandatory responsibility is cast upon the non-applicant to provide the electricity connection to the applicant within the statutory time limit of three months which has already expired in the instance case. Against this legal background, the applicant's application is pending without any action with the non-applicant. The Internal Grievance Redressal Unit had given time period up to 31.07.2005 for energizing the applicant's agricultural pump. This date is also over and yet no action is taken by the non-applicant till to-day.

In the light of above discussion and looking to the circumstances of the case, we are inclined to hold and do hold accordingly that the applicant's agricultural pump should be energized by the non-applicant on or before 31.12.2005 failing which legal consequence of payment of compensation in terms of Regulations No. 12 of the SOP Regulations will ensue.

The non-applicant shall report compliance of this order to this Forum on or before 10.01.2006.

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

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