

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

Case No. CGRF(NUZ)/323/2014

Applicant : Shri Nandkishore W. Doye,
Chitnisnagar, H.P. Gas Godown,
Bada Tajbag,
Nagpur.

Non-applicant : Nodal Officer,
The Executive Engineer,
Division No. I, NRC,
MSEDCL,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 5.2.2015.

1. The applicant filed present grievance application before this Forum on 9.12.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Applicant's case in brief is that he is the owner of field, Survey No. 98/B-I situated at Village Bhowri (Rithi), Dhaparla Doye,

Tq. Bhiwapur, Disstt. Nagpur. He filed an application for agriculture connection to Dy. E.E., M.S.E.D.C.L. Bhiwapur on 29.5.2014 after complying all legal formalities. Even then demand is not given to him. Therefore he filed an application to I.G.R.C. on 19.7.2014. Then demand of Rs. 6200/- was given to the applicant on 28.7.2014. Applicant deposited the demand amount on 2.8.2014 in Shrikrishna Bank Umred and applicant produced receipt for depositing the amount before Dy. Executive Engineer, MSEDCL, Bhiwapur on 5.8.2014 along with test report. It was incumbent on the part of I.G.R.C. to dispose off the application within 2 months but no decision was given by I.G.R.C. and therefore he approached to this Forum.

3. It was necessary to give electricity connection to him within stipulated time but due to negligence of M.S.E.D.C.L., agricultural connection is not given to him and hence he claimed compensation as per SOP. Applicant also claimed directions to M.S.E.D.C.L. to give him agricultural connection.

4. Non applicant M.S.E.D.C.L. (Dy. E.E. Bhiwapur) denied applicant's case by filing reply Dt. 20.12.2014. It is submitted that applicant filed application for Agricultural connection bearing No. 5848514 on Dt. 29.5.2014. That application was sent to Jr. Engineer Rural)-II D.C. Umred on 7.6.2014. Jr. Engineer, Bhiwapur, submitted work order for sanction. It was sanctioned on 20.7.2014. On 23.7.2014 online demand note was generated. Applicant deposited the demand on 2.8.2014 and produced testing report on 13.8.2014.

5. As per rules of M.S.E.D.C.L. after producing money receipt of demand note and test report, seniority list is to be prepared and

connection is to be given as per seniority. As per order passed by Superintending Engineer, Nagpur Rural Circle, Nagpur Dt. 19.4.2014, work order was given to Shri Shivkrupa Enterprises Nagpur for erection of electric line. As per this Agency, erection of line of the consumer is going on, who deposited the demand in March 2014. In seniority list, number of the applicant is at 276 for the year 2014-15 and therefore connection will be given as per seniority list. Grievance application should be dismissed.

6. Forum heard argument of non applicant and perused record.

7. Appendix 'A' of MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014 shows that period for giving Agricultural connection in Rural Area is maximum 30 days + 10 days = 40 days. Date of application of the applicant is 29.5.2014 and he deposited the demand note and filed test report on 5.8.2014. Therefore it is necessary for M.S.E.D.C.L. to provide agricultural connection within 30 days from the date of completion of formalities by the applicant. It means it was necessary for M.S.E.D.C.L. to provide the connection on or before 5.9.2014. But till today no such electricity connection is given to the applicant.

8. In reply of M.S.E.D.C.L. signed by Dy. E.E. Bhiwapur, there is reference of one seniority list. 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 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 Head 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 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 or amendment in SOP 2014. Unless and until SOP 2014 is not amended by Hon'ble MERC, alleged seniority list has absolutely no locusstandi 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.

9. It is noteworthy that in this case Shri Pachpohe, Executive Engineer Division No. I is the Nodal Officer but on the date of hearing he was absent though called several times. Reply in this case is also not signed by him. It is true that Dy. Executive Engineer, Shri Ajay Kolte was present and argued the matter but the Nodal Officer i.e. Executive Engineer Dn. No.I did not issue any authority letter to him to argue the matter. It is not proper. If really the Nodal Officer, Executive Engineer Dn. No. I was busy anywhere else, he could have filed application for adjournment but no application was filed either by Executive Engineer Dn. I, or Dy. Executive Engineer, Bhiwapur. This is also not desired. Officers of M.S.E.D.C.L. can not neglect appearance

before the Forum. Forum hope that concerned officers of M.S.E.D.C.L. shall take note of this in future and work promptly and legally.

10. It is noteworthy that there was similar case of same Nodal Officer i.e. Executive Engineer Dn. No. I, M.S.E.D.C.L., N.R.C. Nagpur before this Forum vide Case No. CGRF/203/2014 decided on 20.10.2014, Shri Deorao P. Nagpure Vs. Nodal Officer, Executive Engineer, Division No. I, NRC, Nagpur. In that case application for agricultural connection was filed in the year 1997 but till the applicant died in 2005, no connection was given to him on the pretext of alleged seniority list. However, one Shri Chaturvedi immediately applied for electricity connection and by superseding all senior members could get the connection. In that matter, this Forum had directed the non applicant M.S.E.D.C.L. to issue agricultural connection to the applicant considering the seniority of the applicant as on 24.9.1997, within one month from the date of order Dt. 20.10.2014. However, till today i.e. till this judgement is given there is no compliance submitted by Nodal Officer, Executive Engineer, Dn. No. I, NRC, Nagpur. In fact, it is nothing but disobedience of the orders of the Forum. We have mentioned all these facts simply to show that since 1997, applicant in that matter Shri Deorao P. Nagpure could not get agricultural connection till 2014 on the pretext of alleged seniority in which one Shri Chaturvedi succeeded. If such type of practice is continued, it is nothing but amounting to not only negligence but suspicious malpractices and needs stern action against the defaulter if any. This incidence is quoted by this Forum only to show that how the working is going on, on the pretext of seniority list.

11. Therefore non applicant, Executive Engineer, Dn. No. I, MSEDCL, Nagpur shall issue the connection to the applicant within stipulated time period as laid down in Appendix 'A' of MERC SOP Regulations 2014 and shall also pay compensation to the applicant as described in Appendix 'A' of MERC SOP Regulations 2014 since 5.9.2014 till the connection is released.

12. Non applicant produced one order passed by Hon'ble High Court in Writ Petition No. 2675/14. However, facts of that matter are totally different and distinguishable and far away from this case. As per the facts of the said matter, applicant consumer did not approach to Learned I.G.R.C. and there was non compliance of Regulation 6.2, as per clause 4 of the order of the Forum, there was direction to M.S.E.D.C.L. to initiate action against erring officers or staff on the basis of Judgement of Apex Court. However, in the case in hand, applicant already approached to Learned I.G.R.C. Learned I.G.R.C. did not pass any order within 60 days and therefore applicant approached to this Forum under regulation 6.4. Furthermore, we have not issued any directions to M.S.E.D.C.L. to initiate action against any erring officer or staff, though Executive Engineer Dn. No. I was absent before the Forum, did not sign the reply, nor applied for any adjournment, nor issued authority letter to Dy. Executive Engineer authorizing to argue the matter. Even then this Forum had not issued any directions to M.S.E.D.C.L. to initiate action against erring officers / staff. Furthermore, opportunity of being heard was sufficiently given to officers of M.S.E.D.C.L. in the case in hand. Therefore facts of the case in hand are different and distinguishable from the facts in Writ Petition No. 2675/14 and therefore that authority is not applicable to

the case in hand. For these reasons, Forum proceeds to pass following order :-

ORDER

- 1) Grievance application is allowed.
- 2) Non applicant is directed to issue agricultural connection to the applicant within 1 month from the date of this order and to pay compensation to the applicant for breach of MERC (Standard of Performance, Period for Giving Supply Determination of Compensation) Regulations 2014 since 5.9.2014 till the date of actual issuance of electricity connection as per Appendix 'A' of the above regulations.
- 3) Non applicant is directed to submit compliance of the order scrupulously within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN