

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

Case No. CGRF(NUZ)/132/2014

Applicant : Shri Chandrakant B. Gillarkar,
Qtr. No. 81/1, Raghuji Nagar,
near Parivartan Tution Classes,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,
NAGPUR.

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

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 20.6.2014.

1. The applicant filed present grievance application before this Forum on 28.5.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that applicant applied for new service connection for residential purpose on 9.1.2014, but electricity connection was not provided to him. Non applicant issued letter directing the applicant to produce registered partition deed. The applicant provided copy of Court's order regarding the partition

but even then new connection was not given to the applicant. Therefore applicant filed application to Learned I.G.R.C. As per the order dated 29.3.2014, Learned I.G.R.C. issued directions to the Manager (NSC) to release the connection before 30.4.2014 subject to completion of all necessary formalities. Even then connection is not released. Therefore applicant approached to this Forum.

3. Non applicant filed reply dated 10.6.2014. It is submitted that as per the order of I.G.R.C. demand note was issued on 3.6.2014 to the applicant. Applicant deposited amount of demand note on 4.6.2014 and connection was released on 7.6.2014.

4. Forum heard arguments of both the sides and perused the record.

5. It is an admitted fact that order of Learned I.G.R.C. is passed on 29.3.2014 directing SPANCO to release the connection before 30.4.2014 subject to completion of all necessary formalities. Even then, demand note was issued on 3.6.2014 after a long gap. The applicant deposited the amount of demand note immediately on 4.6.2014 i.e. next day and connection was released on 7.6.2014. Therefore there is delay & negligence on the part of non applicant and even non compliance of order of I.G.R.C.

6. Non applicant was demanding registered partition deed and on that pretext releasing the connection was systematically prolonged. It is noteworthy that detail & well reasoned order is passed by Learned I.G.R.C. In that order there is specific reference of regular Civil Suit and the order passed by Learned Joint Civil Judge

Jr. Division Nagpur. There is also specific reference of regular Civil Appeal No. 569/99 dismissed by District Judge-II, Nagpur on 12.1.2011 and upheld order passed by Civil Judge Jr. Division Nagpur. These orders are orders of the Court. Even then the non applicant was insisting to produce partition deed and on that pretext prolonged release of connection. It is unjust, improper and illegal. Even after passing of I.G.R.C. order for a long time connection was not released. Ultimately applicant filed present grievance application on 28.5.2014. Notices of present proceedings were issued to both the parties and matter was fixed for arguments on Dt. 10.6.2014. Therefore only just before 3 days i.e. on 7.6.2014 non applicant released the connection. It is clear cut negligence on the part of the non applicant for delay in releasing the connection and therefore non applicant is liable to pay compensation as per SOP norms to the applicant according to regulation 12 of MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulations 2005 Appendix (ii) & (iii). In this provision, it is specifically mentioned that *“Time period for provision of supply from the date of receipt of completed application and payment of charges..... Compensation payable is provided Rs. 100/- per week or part thereof of the delay”*. As per this provision, time period for intimation of charges to be borne by the applicant from the date of receipt of application is 15 days and time period for connection is 30 days. Even if we roughly calculate date of application is 9.1.2014 and from that date connection ought to have been released to the applicant on or before 8.2.2014, but connection is given on 7.6.2014. Therefore there is delay since 8.2.2014 to 6.6.2014. For this delay period of 16 weeks the applicant is entitle to claim

compensation @ Rs. 100/- per week as per cited provisions. Hence the following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) So far as release of connection is concerned, connection is released on 7.6.2014 and therefore this much part of the grievance is redressed.
- 3) However, there is delay in releasing connection for the period from 8.2.2014 to 6.6.2014 for 16 weeks and therefore non applicant shall pay Rs. 100/- per week as compensation according to rule (ii) & (iii) of Appendix 'A' read with regulation 12 of the MERC (Standard of Performance, Period for releasing supply & Determination of Compensation) Regulations 2005.
- 4) Non applicant to report compliance within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN