

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

Case No. CGRF(NUZ)/049/2005

- Applicant : Shri Nagorao Domaji Mohod
At. Post- Ridhora, Tahsil, Katol,
Dist. Nagpur.
- Non-Applicant : The Nodal Officer,
Assistant Engineer,
O&M Division Katol,
represented by Exe. Engr.
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 15.09.2005)

The present grievance application is filed by the applicant in the prescribed schedule "A" on 22.08.2005 as per Regulation 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 limited grievance of the applicant is in respect of non-provision of electricity for energisation of his 3 H.P. agricultural pump.

The matter was heard by us on 15.09.2005 when both the parties were present. Both of them are heard by us. Documents produced by both the parties are also perused and examined by us.

A copy of the non-applicant's parawise report dated 06.09.2005 presented personally by the Nodal Officer was given to the applicant on 15.09.2005 and he was given opportunity to offer his say on this parawise report also.

There is no dispute in the case that the applicant applied for releasing of electricity connection with a view to enable him to energize his 3 HP agricultural pump in his agricultural land at village Borkhedi, Tahsil Katol, Dist. Nagpur. There is also no dispute that the non-applicant issued a demand note of Rs.6,170/- to the applicant and also that this amount was also paid by the applicant on 08.04.2003. There is also no dispute that the applicant has submitted the requisite test report dated 10.04.2003 to the non-applicant.

The applicant's contention is that although he has completed all the formalities including payment of the demand note charges, the non-applicant has not released the electricity connection for his 3 HP agricultural pump as requested for by him.

The applicant had approached the Internal Grievance Redressal Unit headed by the Executive Engineer

(Adm) in the office of the Superintending Engineer, Nagpur Rural Circle, MSEB, Nagpur by filing his grievance application dated 07.06.2005 before this Unit under the said Regulations. The applicant's grievance is that this Unit did not provide any remedy to his grievance.

The Internal Grievance Redressal Unit has mentioned in its letter dated 02.07.2005 addressed to the applicant in response to his complaint that it will be possible to energize the applicant's agricultural pump as and when the applicant's turn comes as per the seniority list prepared in respect of beneficiaries desiring to energize their agricultural pumps and subject to availability of materials. It has also been mentioned in this letter by the Unit that the applicant's name stands at serial No. 73 in the seniority list of beneficiaries prepared for the Kondhali S/Dn. of MSEB. A reference has also been made by the Internal Grievance Redressal Unit to the prohibition ordered by the Government in respect of energisation of agricultural pumps of the agriculturists having lands in the Gray Water Shed area of GSDA. According to this Unit, village Borkhedi where the agricultural land of the applicant is situated falls in the Gray Water Shed area of GSDA. Hence the Unit held that there are restrictions for providing electricity connection to the agricultural pumps in the village limits of village Borkhedi.

The non-applicant has stated in his parawise report that the request of the applicant will be granted as and when his turn comes subject to availability of the materials. According to latest status, the applicant stands at serial no. 65

in the seniority list of agriculturists desiring to energize their agricultural pumps.

According to us, the contention of the Internal Grievance Redressal Unit that a prohibition is laid down by the Government in respect of releasing electricity connections to the agricultural pumps in Gray Water Shed area of GSDA is not in tune with the Government Resolution dated 11.11.2004. This prohibition is there only in respect of GSDA's Dark Water Shed Areas and not Gray Water Shed area. The Unit wrongly held that there is a prohibition in this respect so far as Borkhedhi is concerned since the same is not covered by the GSDA's Dark Water Shed area.

During the course of hearing we asked a pointed question to the non-applicant as to whether the applicant has completed all the formalities including those of payment of charges. To this, the reply of the non-applicant was that there is now nothing that remains to be done by the applicant and that he has completed all the formalities on his part.

We asked another specific question to the non-applicant as to whether in the instant case, extension or augmentation of distributing main is required or whether commission of a substation is required. The non-applicant's reply was that, in the instant case only extension or augmentation of the distributing main is required. The legal provisions contained in Regulation 4 in respect of period for giving supply and Regulation 12 and Appendix "A" of the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 herein-after referred-to-as the SOP

Regulations clearly provide that in the instant case, the non-applicant ought to have provided supply of electricity within a period of three months from the date of receipt of completed application and payment of charges. The SOP Regulations have come into force w.e.f. 20.01.2005. Since in the instant case, extension or augmentation only of the distributing main is required, the maximum time-period during which the supply of electricity ought to have been sanctioned is of three months. It, therefore, follows that there is already a delay of more than four months beyond the permissible time-period of three months.

In view of above, we inclined to hold and do hold accordingly, that the non-applicant is duty-bound to provide the electricity connection to the applicant as per the legal provisions mentioned above.

Looking to the circumstances of the case, we now direct that the applicant's agricultural pump should be energized by the non-applicant on or before 31.03.2006 failing which legal consequences in terms of the SOP Regulations and the Electricity Act, 2003 may follow.

The non-applicant should report compliance of this order to this Forum on or before 10.04.2006.

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**