

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

Case No. CGRF(NUZ)/050/2005

Applicant : Shri Gunwant Ramchandra Bhajipale
At Kharda, Post, Kodamendhi,
Tq. Ramtek, Dist. Nagpur.

Non-Applicant : The Nodal Officer
Assistant Engineer &
Exe. Engineer O & M Dn. – I,
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 20.09.2005)

The present grievance application is filed before this Forum in the prescribed schedule "A" by the applicant on 24.08.2005 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.

Through this application, the applicant seeks payment of compensation from the non-applicant in terms of the MERC (Standards of Performance of the Distribution Licensees, Period for Giving supply and Determination of Compensation) Regulations, 2005 here-in-after referred-to-as the SOP Regulations.

The matter was heard by us on 20.09.2005.

The contention of the applicant is that his agricultural pump has not been energized by the non-applicant on or before 30.06.2005 as ordered by this Forum in its order dated 30.04.2005 in his case No. 014. The applicant has demanded compensation since the electricity connection sought for by him for energization of his agricultural pump was not provided by the non-applicant on or before 30.06.2005.

The non-applicant, on his part, has stated in his parawise report that this grievance has arisen because of non-provision of electricity connection to the applicant's agricultural pump. He admitted that an order being Order dated 30.04.2005 was issued by this Forum in the applicant's case No. 014 directing him to energize the applicant's agricultural pump on or before 30.06.2005. However, the Forum's order could not be executed before 30.06.2005 because a relief has been sought for from the MERC in connection with the applicability of the SOP Regulations to release of connections for agricultural pumps. The non-applicant has annexed copies of the following documents to his parawise report in support of his contentions.

- 1) A copy of the letter No. 1726 dated 15.09.2005 addressed to the Executive Engineer, Katol Dn. No. (I), and (II) MSEDCL by the Chief Engineer, NUZ, MSEDCL, Nagpur.
- 2) A letter No. 1333 dated 16.07.2005 addressed to the Superintending Engineer, Nagpur Rural Circle, MSEDCL, Nagpur by the Chief Engineer, NUZ, Nagpur.
- 3) A copy of letter No. 22052 dated 02.07.2005 addressed to the Secretary, MERC, Mumbai by the Technical Director (EHVP-Comm-TRC).

We have carefully gone through all the documents produced on record by the non-applicant.

Although it is true that the non-applicant has taken up the matter of deferment of applicability of the SOP Regulations particularly in respect of release of connections to agriculture pumps because of constrains in this context, the fact remains that the SOP Regulations are in force w.e.f. 20.01.2005 Regulation 12 of the SOP Regulations provides for determination of compensation where the Distribution Licensee has failed to meet the standards of performance specified under these Regulations. It also provides for payment of compensation to the affected consumers as the shown in appendix "A" thereof. Accordingly, a compensation of Rs.100/- per week or part thereof of delay is payable in the applicant's case since his agricultural pump has not been energized on or before 30.06.2005 as ordered by this Forum on 30.04.2005. A

detailed justification as to how the non-application failed to meet the standard of performance is already given in this Forum's order dated 30.04.2005 in the applicant's case No. 014 / 2005. This compensation will have be paid by the non-applicant to the applicant w.e.f. 01.07.2005 till the date on which his agricultural pump is actually energized. The payment of this compensation shall be made to the applicant as laid down in the fifth proviso to Regulation 12 of the SOP Regulations. The plea made by the non-applicant can not be accepted by us because till to-day the SOP Regulations and particularly Regulation 12 thereof has not been amended by the MERC in any respect so far.

In view of above, we accept the grievance application of the applicant and direct the non-applicant to pay the compensation of Rs. 100/- per week or part thereof w.e.f. 01.07.2005 till the date on which applicant agricultural pump is energized as per the observations made by us in this order.

The non-applicant shall also report compliance of this order to this Forum on or before 31.10.2005.

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**