

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

Case No. CGRF(NUZ)/017/2015

Applicant : Smt. Jyotibai N.Deshmukh,
Gangkahod, Post Isapur (Khurd),
Tahsil Katol, Distt.
Nagpur.

Non-applicant : Nodal Officer,
The Executive Engineer,
Katol Division, 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 3.3.2015.

1. The applicant filed present grievance application before this Forum on 17.01.2015 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 she applied for Agricultural connection on 3.12.2012 and supply is given to the applicant on 24.11.2014. Therefore applicant claimed compensation as per SOP.

3. Non applicant denied applicant's case by filing reply Dt. 4.2.2015. It is submitted that applicant deposited amount of demand note on 3.12.2012 and submitted test report on 21.12.2012. As per policy of M.S.E.D.C.L. they have to give new Agricultural connection as per the seniority list. When the name of the applicant reached for work, in the seniority list, poles were erected by the contractor. However, one Shri Kishore Vinayakrao Bagde, resident of Gangakahod, obstructed to erect the electricity line and this fact is communicated to the applicant by Dy. Executive Engineer Katol, as per letter No. 1699 Dt. 16.8.2014. In this letter, it is specifically informed to the applicant that due to obstruction by Shri Kishore V. Bagde, work of erection of electricity line could not be completed. As soon as obstruction will be removed work will be completed. Thereafter, there were repeated requests by M.S.E.D.C.L. to Shri Kishore V. Bagde and then he permitted to erect electricity line and accordingly work was completed and connection was given on 24.11.2014. Therefore M.S.E.D.C.L. is not responsible to pay any compensation.

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

5. It is an admitted fact that applicant applied for new agricultural connection and deposited demand note on 3.12.2012. It is also an admitted fact that supply is given to the applicant on 24.11.2014. According to non applicant, they have followed system of preparing seniority list. However, it is pertinent to note that there is no locusstandi to such alleged seniority list in MERC Supply Code Regulations 2005 & 2014. M.S.E.D.C.L. can not choose separate system to provide agricultural connection by preparation of seniority list in contravention to the provisions of MERC Supply Code Regulation 2005 & 2014. If really they have to prepare seniority list, they should have got amended MERC Supply Code

Regulations 2005 & 2014 by approaching Hon'ble MERC or at least should have obtained approval / permission by MERC permitting them to cause delay in providing electricity supply to agricultural connections in contravention of the provisions of MERC Supply Code Regulations 2005 & 2014. There is absolutely nothing mentioned about alleged seniority list in MERC Supply Code Regulations 2005 & 2014. No such approval is obtained by M.S.E.D.C.L. from Hon'ble MERC to cause delay in providing supply on the ground of preparation of seniority list and hence alleged seniority list is untenable at law and illegal.

6. Secondly, there is nothing on record to show which is the seniority list, at which serial number, name of the applicant was appearing on 3.12.2012 and on which date supply was given to which consumer. It is the experience of this Forum while deciding many other cases that on the ground of alleged seniority list, some of the officers are providing electricity connection to even fresh consumers who later on added in the list by manipulating the factual seniority. Therefore delay caused by M.S.E.D.C.L. on the ground of seniority list is unjustified and illegal.

7. Thirdly, it is the contention of M.S.E.D.C.L. that one Shri Kishore V.Bagde, resident of Gangakahod, opposed to erect electricity line in the year 2014 and therefore work was held up and when said Shri Kishore V.Bagde, after repeated requests allowed the work, then work was completed on 24.12.2014. However, in our opinion, it is flimsy ground. There is nothing on record to show that officers of M.S.E.D.C.L. lodged any police complaint against Shri Kishore Bagde, resident of Gangakahod, who caused obstruction in public duty of public servant i.e. officers of M.S.E.D.C.L. Needless to say that obstructing public servants while performing his official duty and to create obstruction amounts to offence

punishable under Indian Penal Code and such person can be sentenced to imprisonment and fine. There is nothing on record to show that officers of M.S.E.D.C.L. lodged any police complaint against alleged obstructor Shri Kishore Bagde. Therefore we find no force in this explanation given by M.S.E.D.C.L. that one Shri Kishore Bagde obstructed to complete the work and therefore connection was delayed.

8. Furthermore, obstruction to the work by Shri Kishore Bagde was intimated to the applicant by officers of M.S.E.D.C.L. on 16.8.2014 and work is completed on 24.11.2014. Therefore it is the contention of MSEDCL that only for 3 months there was alleged obstruction by Shri Kishore Bagde. It is also unbelievable. Furthermore, there is nothing on record to show that since 3.12.2012 to 16.8.2014, there was any alleged obstruction by Shri Kishore Bagde or anybody else but even then 2 years are passed and no action is taken by M.S.E.D.C.L. If Agriculturists could not get new agricultural connection to water their crop and has to wait years together on the ground of alleged seniority list, it is definitely injustice with them. We are aware of the fact that numbers of agriculturists are even committing suicides for not providing Agricultural Connection to them for years together and they have to suffer poverty. According to the provisions of MERC Supply Code Regulations 2005 & 2014 stipulated time period is given for new Agricultural connection. Therefore officers of M.S.E.D.C.L. are bound by the law to follow these provisions and to provide electricity connection in the stipulated time. If they fail to do so, M.S.E.D.C.L. is liable to pay compensation as provided under MERC Supply Code Regulations 2005 & 2014. Therefore we hold that applicant is entitled for compensation as per said SOP. There is definitely delay and negligence on the part of the officers of M.S.E.D.C.L. Therefore applicant suffered huge economic loss, damage to the crops and she suffered irreparable loss which can not be

compensated in terms of money. However, we have to calculate it as per the provisions laid down in MERC Supply Code Regulations 2005 & 2014. Hence following order :-

ORDER

- 1) Grievance application is allowed.
- 2) Non applicant is hereby directed to pay compensation to the applicant according to MERC Supply Code Regulation 2014 for not providing new agricultural connection to the applicant in stipulated time.
- 3) Applicant is entitled to claim interest on the amount of compensation as per Bank Rate as per section 62(6) of Electricity Act 2003, from the date of order till the realization of the amount.
- 4) Compliance should be reported within 30 days from the date of order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN