

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

Case No. CGRF(NUZ)/33/2015

Applicant : Shri Yadavrao Nanaji Gurule,
Resident of Dhamangaon (Gavli),
Post Nand, Tah. Bhivapur, Distt.
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 19.3.2015.

1. The applicant filed present grievance application before this Forum on 13.2.2015 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 he filed application for Agricultural Connection on 6.2.2013. Due to negligence on the part of the Officers of M.S.E.D.C.L., demand note was issued to him after 1 year 1 month & 16 days i.e. on 16.3.2014. His name was

intentionally avoided from seniority list of March 2013. If M.S.E.D.C.L. would have issued demand note within 30 days from the date of application of the applicant, his name would have been included in the seniority list of March 2013 and his electricity supply would have been released. However, applicant is prevented from getting electricity supply since last two years. Applicant is "Alpabudharak" farmer and he is indebted to the bank's loan. Due to failure of crop, he has to suffer starvation and no other alternative remained with him than to commit suicide. He obtained loan from the bank and dug bore well. As there is no electricity supply, entire efforts are useless. There is damage to his crop and loan is increasing. Applicant again sent reminder to M.S.E.D.C.L. on 19.11.2014, but officers of M.S.E.D.C.L. are killing time. Therefore applicant claimed to issue directives to M.S.E.D.C.L. to give him electricity connection for agricultural pump so also claimed compensation.

3. Non applicant M.S.E.D.C.L. denied applicant's case by filing reply Dt. 27.2.2015. It is submitted that M.S.E.D.C.L. received application of the applicant for Agricultural Pump on 22.2.2013. It was sent to Jr. Engineer, Besur D.C. for spot inspection, as per letter No. 126 Dt. 27.2.2013. Said Jr. Engineer had prepared work order on 28.2.2014 and sent for sanction. Thereafter sanction order No. 1064 Dt. 3.3.2014 was issued. Demand note was generated on 5.3.2014. Applicant deposited the amount of demand note on 18.3.2014 so also produced Test Report on 31.3.2014. As per rules of M.S.E.D.C.L. they have to prepare seniority list and as per seniority, they have to complete the work of erecting electricity lines, installation of transformer etc. After

completion of this work, supply has to be released. As per order of Superintending Engineer, Nagpur Rural Circle, M.S.E.D.C.L. Nagpur, contract of installation of electricity lines is given to M/s. Shivkrupa Enterprises, Nagpur. This agency has started the work of erecting electricity lines of the consumer who paid the demand note during the year 2013-14. It is necessary to erect electricity line of 0.3 Kms. L.T. line for agricultural pump of the applicant. In the seniority list, his name is at Sr. No. 188. Applicant deposited demand note on 18.3.2014 and therefore connection will be given to him as per seniority.

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

5. Appendix 'A' of MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014 shows that time period for issue of demand note in rural areas is maximum 30 days. Date of application of the applicant is 6.2.2013. However, demand note was given to him on 18.3.2014. It is necessary to issue demand note to the applicant within 30 days from the date of filing of the application. Therefore it was necessary for M.S.E.D.C.L. to issue demand note within 30 days from 6.2.2013 i.e. on or before 5.3.2013. But demand note is given to the applicant on 18.3.2014. Therefore there was delay of 1 year and 13 days for issuance of demand note due to negligence of officers of M.S.E.D.C.L. and for this purpose applicant is entitled to claim compensation according to MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014.

6. Now we will turn to second aspect of providing agricultural connection. According to MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014, specially Appendix 'A', period for provision of supply where extension or augmentation of distribution mains is required, is within 3 months i.e. 90 days. Therefore it was necessary to give connection to the applicant within 3 months from the date of completion of formalities. Record shows that applicant paid amount of demand note on 18.3.2014 vide Money Receipt No. 5816694 and had submitted Test Report on 21.3.2014. Therefore, from 21.3.2014, it is necessary to give electricity connection within 90 days i.e. up to 20.6.2014. But up till now no connection is given to the applicant and it is negligence on the part of officers of M.S.E.D.C.L. In reply of M.S.E.D.C.L. there is reference of one seniority list. However, in grievance application, it is positive contention of the applicant that he filed application for electricity connection on 6.2.2013, but demand note was given to him on 18.3.2014 i.e. after 1 year, 1 month & 16 days. Therefore his name was not included in seniority list of March 2013. If demand note would have been issued to him within 30 days from the date of application, his name would have been included in so called seniority list of March 2013. It is also negligence on the part of officers of M.S.E.D.C.L. to cause delay and avoiding tactics. We find much force in this contention of the applicant.

7. Furthermore, in reply of M.S.E.D.C.L. 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 list or details of procedure to be formulated by M.S.E.D.C.L. to act as per alleged seniority list. If there are thousands of applicants in the 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, formulated by Hon'ble MERC. Therefore even if M.S.E.D.C.L. has 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 are laid down by Hon'ble MERC and binding on all officers of M.S.E.D.C.L. Non applicant has absolutely no right to prepare their own rules regarding seniority list, contrary to MERC's SOP regulations 2014. If really M.S.E.D.C.L. intends to observe the seniority list, they will have to approach Hon'ble MERC, to get amended MERC SOP regulations 2014. Unless and Until SOP regulations are amended by Hon'ble MERC, alleged seniority list has absolutely no *locusstandi* and M.S.E.D.C.L. cannot ask the agriculturists to stand in Queue years together till they commit suicide for not providing of electricity supply to agricultural connection.

8. Section 57 of Electricity Act 2003 reads as under :-

“57. Standards of Performance of Licensee – (1) The Appropriate Commission may, after consultation with the licensees and persons likely to be affected, specify standards of performance of a licensee or a class of licensees.

(2) If a licensee fails to meet the standards specified under subsection (1), without prejudice to any penalty which may be imposed

or prosecution be initiated, he shall be liable to pay such compensation to the person affected as may be determined by Appropriate Commission.

Provided that before determination of compensation, the concerned licensee shall be given a reasonable opportunity of being heard.

(3) The compensation determined under sub-section (2) shall be paid by the concerned licensee within ninety days of such determination.

9. This C.G.R.F. is constituted as per provisions laid down u/s 42 (5) of Electricity Act 2003 and it is the duty of this Forum to give justice to the parties as per MERC (Consumers' Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, specially according to regulation 6.4 of the said regulations.

10. It appears that on the pretext of seniority list, officers of M.S.E.D.C.L. are avoiding to give connection to many consumers for the reasons best known to them. It is pertinent to note that there was similar case of same Nodal Officer, i.e. Executive Engineer Division No. I, M.S.E.D.C.L. Nagpur Rural Circle Nagpur before this Forum vide case No. CGRF/203/14 decided on 20.10.2014 Deorao P. Nagpure Vs. Nodal Officer, Executive Engineer, Division No. I, Nagpur Urban Circle, Nagpur. In that case, application for agricultural connection was filed in the year 1997 but till the said applicant died in the year 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 senior members could get connection for the reasons best known to officers of M.S.E.D.C.L. In that matter, this Forum had directed M.S.E.D.C.L. to issue agricultural connection to the said applicant considering the seniority of the said applicant as on 24.9.1997,

within one month from the date of order Dt. 20.10.2014. Even then, even after expiry of the stipulated time, no connection was given to the said applicant by Executive Engineer Division No. I, Nagpur Rural Circle, MSEDCL, 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 said applicant in that matter Shri Deorao 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 malpractice and needs stern action against defaulters if any. This incidence is quoted by the Forum only to show that how the working is going on, on the pretext of alleged seniority list and how special privileges are given to late comers to supersede the earlier persons. In the present case, no alleged seniority list is produced on record, nor it is provided to the applicant at any time. Therefore, connections are issued to the farmers on sweet desire of officers of M.S.E.D.C.L. and contrary to MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014.

11. Therefore non applicant shall issue 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 (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014, since 5.3.2013 till issue of demand note on account of delay in issuing of demand note and secondly on

account of delay in releasing agricultural connection since 21.6.2014 till actual release of connection.

12. Applicant had given many other aspects in grievance application about demand of compensation and pleaded that he incurred bank loan to dig bore well but due to non issuance of electricity connection, he is unnecessarily indebted. There was failure of crop and now there is time for him to commit suicide. We can take judicial note of the aspect that several farmers are committing suicide due to poverty, failure of crop due to non issuance of electricity connection etc. Therefore, in fact, applicant is entitled to a big compensation. Still we hold that applicant is entitled for compensation as described in MERC (Standard of Performance, Period for Giving Supply & Determination of Compensation) Regulations 2014.

13. Non applicant produced one order passed by Hon'ble High Court in Writ Petition No. 2675/14. However, facts of that matter are total different and distinguishable and far away from the facts of this case. As per 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 order of the Forum, there was directions 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. and there was full compliance of regulation 6.2 of the said regulations. Learned I.G.R.C. rejected grievance application of the applicant as per order Dt. 6.12.2014. Being aggrieved by the said order of Learned I.G.R.C. applicant approached to this Forum under

regulation 6.4 of the said regulations. Further more, we have not issued any directions to M.S.E.D.C.L. to initiate action against any erring officers or 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.

14. 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, 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 40 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN