

CONSUMER GRIEVANCE REDRESSAL FORUM

(Established under the section 42 (5) of the Electricity Act, 2003)

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.

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Office of the

Consumer Grievance Redressal Forum

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Dwarka, NASHIK 422011

No. / CGRF /Nashik/Nagar Circle/520/50-15/

Date: 30/04/2016

(BY R.P.A.D.)

In The Matter Of Compensation For Delay In Electricity Connection

Date of Submission of the case : 04/03/2016

Date of Decision : 30/04/2016

To.

Shri Ankush Natha Garje,
Landakwadi, Post Manikdaundi, Tal. Pathardi,
Dist. Ahmednagar

Complainant

Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Circle Office Ahmednagar .

Distribution Company

Executive Engineer,
Maharashtra State Electricity Distribution Com. Ltd.
Division Office , Ahmednagar

DECISION

1. Shri Ankush Natha Garje, Landakwadi, Post Manikdaundi, Tal. Pathardi, Dist. Ahmednagar has filed a Petition to the Maharashtra Electricity Regulatory Commission (Case No. 143 of 2015) on 20 November, 2015 for action against Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) for non-compliance of the Consumer Grievance Redressal Forum (CGRF), Nashik Zone's Order dated 25 August, 2015.
2. At the time of hearing in MERC on 19 January, 2016, the Petitioner submitted that he had applied for 3 HP agricultural pump connection on 20 May, 2013. At that time, there was only a single phase line. MSEDCL served a demand note of Rs. 6800/-, which he paid on 24 May, 2013, but connection was not given even thereafter. Hence, he approached the Internal Grievance Redressal Cell (IGRC) and then the CGRF. Vide Order dated 25 August, 2015, the CGRF directed MSEDCL to release the connection within 1 month. However, supply was released only on 4 January, 2016. The Petitioner had suffered a financial

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loss on account of this delay of 31 months. The CGRF did not fix compensation to be paid as per the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 as the period of delay could not be determined since the connection had yet to be provided at the time of its Order.

3. The Hon'ble Commission heard both the parties and after analysis gave the following ruling as per its order dated 25th February 2016: :

- ✓ *The CGRF, Nashik Zone, in its Order dated 25 August, 2015, directed MSEDCL to release the connection to Shri Garje within one month. The CGRF Order sets out the long delay since the application for supply was first made. However, MSEDCL released the connection only on 4 January, 2016, after this Petition was filed, and has cited various circumstances.*
- ✓ *Considering the circumstances cited, the submissions made during these proceedings and the fact that the connection has now been released, the Commission is not inclined to proceed against MSEDCL under the penal provisions of the Electricity Act, 2003. However, the Commission notes that, at para. 7 of its Order, the CGRF has stated that, while the Standards of Performance Regulations provide for compensation for delay in providing supply, no such compensation is being determined for the time being since the precise period of delay has yet to be ascertained in the absence of such supply so far. Hence, now that the supply has been released, the CGRF is directed to determine the compensation, with applicable interest, payable by MSEDCL to Shri Garje in accordance with the Standards of Performance Regulations after giving him and MSEDCL an opportunity to be heard. The Secretariat of the Commission shall forward a copy of this Order to the CGRF.*

4. Hence as directed by the Hon'ble Commission the Forum has conducted hearing for determining the compensation for delay in electric supply as per MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 giving an opportunity to be heard to both the complainant and the Distribution Company. The complainant as per his representation dated 29/03/2016 has reiterated that there has been inordinate delay in releasing the connection. The Distribution Company did not release the connection in spite of CGRF order dated 25/08/2015 and the same was released on 04/03/2016 only after he submitted petition to the MERC on 18/11/2016. The Distribution Company has not submitted any reply and their representative stated during the hearing that they will abide by the decision of the Forum .

5. The Forum has already recorded its detailed observations regarding delay in this case as per its order dated 25/08/2015 . The Distribution Company during the hearing on 11/08/2015 has assured to release the connection within one month . However it failed to do so.

6. The regulation 4 of MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 provide norms for Period for Giving Supply in case of New Connection which are reproduced below:

“4.1 The Distribution Licensee shall, on an application made by post or by hand by the owner or occupier of any premises, give supply of electricity to such premises after receipt of the application by chronological order of receipt of its complete application requiring such supply.

4.2 The application referred to in Regulation 4.1 shall be deemed to be received on the date of receipt of the duly completed application in accordance with the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 including any amendments thereto in force from time to time.

4.3 The Distribution Licensee shall complete the inspection of the premises related to an application for supply of electricity not later than seven (7) days from the date of submission of such application for supply in Class I cities and Urban Areas and within ten (10) days from date of submission of such application for supply of electricity in Rural Areas, regardless of whether such application is deemed to be complete under Regulation 4.2.

4.4 Where the supply of electricity to an applicant is to be given from an existing network of the Distribution Licensee, the Distribution Licensee shall intimate the charges to be borne by the applicant not later than fifteen (15) days from the date of submission of such application for supply of electricity in Class I cities and Urban Areas and within twenty (20) days from the date of submission of such application for supply of electricity in Rural Areas, regardless of whether such application is deemed to be complete under Regulation 4.2.

4.5 Where the supply of electricity to an applicant requires extension or augmentation of distributing mains, the Distribution Licensee shall intimate the charges to be borne by such applicant within thirty (30) days from the date of submission of such application, regardless of whether such application is deemed to be complete under Regulation 4.2.

4.6 Where an applicant seeks Dedicated Distribution Facilities (DDF) to its premises as defined under Regulation 2.1(g) of the MERC (Electricity Supply Code and other Conditions of Supply) Regulations, 2005 including any amendment thereto, in force from time to time, the Distribution Licensee shall intimate the charges to be borne by such applicant within thirty (30) days from the date of submission of such application, regardless of whether such application is deemed to be complete under Regulation 4.2.

4.7 The Distribution Licensee shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one (1) month after receipt of the completed application and payment of charges for requiring such supply, if the supply to an applicant is to be given from an existing network of the Distribution Licensee.

4.8 Where the supply of electricity to a premise requires extension or augmentation of distributing mains, the Distribution Licensee shall give supply to such premises within three (3) months from the date of receipt of the completed application and payment of charges. The extension or augmentation of distributing mains includes the extension of HT, LT lines and augmentation of distribution transformer substation.....”

7. The regulations provide for compensation to be paid to the consumer for the delay beyond the prescribed standard at the rate of Rs.100 per week or part thereof . However as per regulation 12.2 of the said regulations :

“.....any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim

with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance”.

The complainant has filed claim for compensation in the representation submitted to the Forum on 21/07/2015 . The cause of grievance in this case commenced from August 2013 (when the electric supply was due to be given) and lasted till 4 January 2016 (when the supply was actually given). Hence the claim is within the stipulated time .

8. With reference to the application for new connection, the complainant paid Rs. 6800/- on 24 May, 2013 as per demand note of the Distribution Company. The Distribution Company was asked by the Forum to submit copy of the test report & ‘A1’ form submitted by the complainant. In spite of repeated reminders by the Forum the Distribution Company failed to submit the copy of the test report & ‘A1’ form.
9. In absence of any information about the date of the test report , the Forum has decided to consider the date of payment of charges (Rs. 6800/-) i.e. 24/05/2013 as the date of completed application for the connection. The Distribution Company was required to release supply within 3 months from this date as extension or augmentation of distributing mains was involved in this case. As such supply should have been released before 23/08/2013 . But the supply was actually released on 04/01/2016 . Hence there is a delay of 123 weeks and 3 days . As such the complainant is eligible to get compensation of Ra. 12,400/- for 124 weeks at Rs. 100/- per week

After considering the representation submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

ORDER

1. The Distribution Company should pay compensation of Rs.12,400/- to the complainant as it failed to maintain the standard prescribed for Period for Giving Supply in case of New Connection under regulation 4.8 of the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014. The Compensation should be paid within a period of thirty (30) days from the date of this order.
2. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.
3. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.

4. If aggrieved by the non-redressal of his Grievance by the Forum, the complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Rajan S. Kulkarni)
Member

(Ramesh V.Shivdas)
Member-Secretary
& Executive Engineer

(Suresh P.Wagh)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy s.w.r's :

1. The Secretary , M.E.R.C. World Trade Centre. Cuffe Parade, Colaba, Mumbai 400 005
.... for information please.

Copy for information and necessary action to:

- 1 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,
Vidyut Bhavan, Nashik Road 422101 (For Ex.Engr.(Admn)
- 2 Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. ,
Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. ,
Ahmednagar Circle office, Nashik .