

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.26/2016**

**Date of Grievance : 25.07.2016**

**Date of Order : 16.09.2016**

In the matter of releasing of new agricultural connection.

Shri. Haribhau Ravji Navale,  
At Post-Ucchil, (Kaldare)  
Tal.Junnar, Dist.Pune,  
Pune- 410502.

**Complainant**  
(Herein after referred to as Consumer)

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Manchar Division,  
Pune.

**Respondent**  
(Herein after referred to as Licensee)

**Quorum**

<b>Chairperson</b>	<b>Mr. S.N.Shelke</b>
<b>Member Secretary</b>	<b>Smt.B.S.Savant</b>
<b>Member</b>	<b>Mr.S.S.Pathak</b>

**Appearance**

<b>For Consumer</b>	<b>Mr. Haribhau Ravji Navale</b>
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<b>For Respondent</b>	<b>Mr. PrakashKhandekar, Ex.Engineer Manchar Dn. Mr. J.D.Getme , Dy.Ex.Engr. Junnar Sub/dn. Mr.Shinde, Dy.Manager, Manchar Dn.</b>
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- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 15<sup>th</sup> June-2016 passed by IGRC Pune Rural Circle, the consumer above named prefers present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Manchar Dn., Pune vide letter no. EE/CGRF/PZ/Notice/26 of 2016/166 dtd.28.07.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 16.08.2016.
- 4) We heard both the sides at length, gone through the contentions of the consumer and also the reply of the Licensee and perused the documents placed on record by the parties. On its basis following actual aspects were disclosed.
- i) The consumer namely Haribhau Ravji Navale made application to the Licensee in prescribed form for releasing of new Ag. pump connection on 28.8.2014 at his well situated in land gat No.575 of village Kaldare Tal. Junnar, Dist. Pune.
  - ii) The Licensee issued firm quotation to the consumer of Rs.4000/- in respect of consumer no.175070001025 of Ag.LT single phase with requested load 7.5 HP having contract demand 13.00 KVA vide no.AG/JNR/T/SPA/SK/72/14-15 dated 30<sup>th</sup> Aug.2014.
  - iii) The consumer deposited amount of quotation of Rs.4000/- vide receipt no.2367243 dtd.4.9.2014.
  - iv) Thereafter on 12.9.2014 the officers of Licensee had been to the premises of the consumer for releasing of supply but one Mr.Ankush Ravji Navale caused obstruction for releasing supply. At that time the consumer requested the concerned employee of the Licensee to give Police complaint against the said person but the said employee did not lodge any complaint against that person. Thereafter the consumer made several requests to the Licensee for releasing of supply but they avoided to release supply.
  - v) Thereafter the Licensee without releasing supply to the consumer started issuing of energy bills continuously from March-2015.
  - vi) The consumer required to deposit arrears of energy bills of Rs.1300/- on 16.12.2015 without consuming any electric power.
  - vii) The consumer filed complaint before IGRC, PRC, Pune for releasing of supply & getting compensation on 11.5.2016.

- viii) The IGRC vide order dated 15.6.2016 directed the Licensee to release supply for Ag.pump of consumer immediately and that the wrong bills issued by the Licensee be immediately recalled & that the Ex.Engineer, Manchar Dn. to investigate the matter for imposing SOP compensation against the delinquent employees.
  - ix) However the Licensee did not obey the directions of IGRC & hence the consumer neither get any electric connections nor SOP compensation or any other compensation.
  - x) The Assistant Engineer, MSEDCL, Section office Aptale vide application dated 2.6.2016 & 11.6.2016 informed to Police Station Junnar that the consumer's brother namely Ankush Ravji Navale has obstructed to release the supply to the consumer. However it is seen that the Police did not take any action.
5. The consumer namely Haribhau Ravji Navale submitted that he applied for new Ag. Electric connection at his Land Gat No.575 situated at village Kaldare, Tal.Junnar, Dist.Pune. He deposited amount of Rs.4000/- as per firm quotation issued by the Licensee on 4.9.2014. Thereafter on 12.9.2014 the concerned employee of the Licensee had come to his land for releasing of Ag. Connection, however at that time his step brother namely Ankush Ravji Navale caused obstruction for releasing of supply. Therefore he requested to the concerned employee of the Licensee to lodge complaint against the said person but he refused to do so. Thereafter he informed the said fact to the officers of the Licensee and thereafter time to time made several requests to the officers of the Licensee for releasing of supply. But all the times they avoided to release the supply. They did not inform him in writing about any problem for releasing of supply. Thereafter on 2.2.2016 the objector namely Ankush Ravaji Navale informed the Licensee that he had no any objection for releasing of supply & gave consent for the same. However the Licensee did not release supply for his Ag. Pump.

6. The consumer further submitted that he was working as Head clerk in the MSEDCL Co. Washi Circle, and required to take leave for coming to his village in connection with the said electric connection. He required to spend money for purchasing Ag. pump sets. But the officers of Licensee did not release supply inspite of several requests. He further submitted that the Licensee without releasing any supply for his Ag.Pump set started issuing electricity bills from March-2015 on quarterly basis continuously. He required to deposit amount of Rs.1300/- towards energy bills without consuming any electric power or getting any electric connection. He suffered financial losses for want of electricity for irrigation to his land. He also suffered mental harassment. Mr. Navale further submits that despite the decision of IGRC, he did not get electric connection till to date. Therefore he submits that the Licensee be directed to release electric supply immediately & to impose SOP compensation against the defaulting employees of the Licensee. He further requests that compensation of Rs.4,50,000/- be awarded to him towards loss of agriculture income & the said compensation be recovered from the delinquent of the Licensee. He further requests that the amount of energy bill of Rs.1300/- deposited by him be refunded along with interest @ 12% p.a. & after releasing of supply previous energy bills be revised.
7. On the other hand Mr.Khandekar, Ex.Engineer, Manchar Division submitted on behalf of the Licensee that they tried to release the Ag. Connection for this consumer many times but every time brother of the consumer objected for releasing connection in favour of the consumer. He further submitted that the concerned Asstt. Engineer, lodged report to Police Station Junnar on 2.6.2016 & 11.6.2016 about obstruction caused by brother of the consumer namely Anuksh Ravji Navale for releasing of supply. He further submitted that the Licensee is ready to release the supply to the consumer.
8. On perusal of documents it is seen that the consumer applied in prescribed form for releasing of new Ag. Connection having requested

load 7.5 HP & contract demand 13.00 KVA on 28<sup>th</sup> Aug.2014. Accordingly the Licensee issued firm quotation dated 30<sup>th</sup> Aug.2014 for Rs.4000/- in respect of consumer no. 17507001025 vide no. Ag./JNR/ T/SPA/SK /72/ 2014-15. The consumer deposited amount of said quotation of Rs.4000/- vide receipt no. 2367243 dtd.04.09.2014. It is also seen that thereafter the employee of the Licensee ( Janamitra) namely Bapu Kondaji Navale had been to the Land Gat No.575 jointly owned by the said consumer for releasing of Ag. pump connection. But at that time brother of the consumer Mr.Anuksh Ravji Navale caused obstruction for releasing of supply to the consumer. Thereafter the consumer requested to said employee to lodge complaint to Police station against the said obstructionist but he refused to do so. Thereafter consumer informed the said fact to Jr.Engineer, Mr.Nikam & thereafter made several requests for releasing of supply to Dy.Ex.Engineer & concerned Ex. Engineer. But all the times they avoided to release the supply.

9. Section 43 of Electricity Act, 2003 provides that Licensee shall on application by the owner or occupier give supply of electricity to the applicant within one month after receipt of the application requiring such supply. Sub section (3) of Section 43 provides that if a distribution Licensee fails to supply the electricity within the period specified in Sub-section (1), he shall be liable to a penalty which may extent to Rs.1000/- for each day of default. The consumer has filed 7/12 extract of Land Gat No.575 of village Uccial (Kaldare) Tal.Junnar Dist.Pune which discloses that the present consumer is joint owner of the said land & there is well situated in the said land. Therefore it is clear that the consumer is joint owner of the said land. According to the Licensee the step brother of the consumer namely Ankush Ravaji Navale caused obstruction for releasing supply to the said consumer. However the concerned employee of the Licensee did not take any action or lodged any police complaint against the said obstructionist. The Licensee has not produced any copy or order of Civil Court about any dispute between the said brothers.

Therefore the Licensee cannot stop releasing of supply. Hence it is clear that the Licensee merely on the words of mouth of the obstructionist stopped releasing of supply to the said consumer who is legally entitled to get it. These facts clearly constitute there is deficiency of service on the part of Licensee.

10. It is very surprising that without releasing of supply the Licensee used to issue electric bills to the said consumer from March-2015. The consumer produced copies of said bills on record. It shows that in the month of March-2015 bill of Rs.1500/-, June -2015 - Rs.3630/-, Sept.2015 - Rs.7070/-, Dec.2015 -Rs.9310/-, March-2016 - Rs.16390/- & June-2016 - Rs.10090/- have been issued to the consumer. Therefore the consumer was required to deposit arrears of energy bills of Rs.1300/- on 16.12.2015 without consuming any electric power or releasing of any supply to his ag. pump. The said facts clearly disclose the amount of harassment and financial loss caused to the consumer. On the contrary it is failure of duties and gross negligence on the part of concerned employees of the Licensee.
11. The consumer filed complaint to IGRC, PRC, Pune on 11.5.2016 requesting to release supply immediately and getting SOP compensation and other compensation. The IGRC vide its order dated 15.6.2016 directed the Licensee to release the supply for ag.pump connection of the consumer immediately. It is further directed that the wrong bills issued to the consumer be recalled immediately. It is also directed that the Ex. Engineer, Manchar Dn. to investigate the matter for imposing of SOP compensation against the delinquent employees. Thereafter the consumer submitted his grievance before CGRF on 25.7.2016. The Licensee submitted its parawise comments & reply to the said grievance on 16.8.2016. However in the said written statement there is nothing about compliance of IGRC directions mentioned above. During the course of final hearing the consumer brought to our notice that he did not get supply till date. Therefore it is clear that the Licensee did not obey the order of IGRC.

12. The Licensee produced copy of application dated 2.6.2016 filed to Junnar Police Station about obstruction caused by Ankush Ravaji Navale. But it is pertinent to mention that the consumer deposited the amount of quotation on 4.9.2014 thereafter employees of the Licensee went to the field of consumer for releasing supply in the month of Sept.2014 & the concerned relative obstructed for releasing supply. But the Licensee did not take any action against the said person during that period. But the application to the police station was submitted after two years i.e. on 2.6.2016. If there was any dispute about the ownership or possession of the land such question can be decided by the civil court but the Licensee did not ask the said obstructionist to bring order from the civil court. On the contrary, stopped work of releasing supply. Therefore due to negligence of the Licensee, the consumer was prevented from enjoying the benefit of electric connection for more than two years.
13. Now, so far as level of compensation payable to consumer for failure to meet standards of performance as per MERC Regulations (SOP of Distribution Licensees, Period for giving supply & determination of compensation ) Regulations 2014 the consumer applied to Licensee for releasing of new Ag. connection on 28.8.2014 at his land Gat No.575 of village Kaldare. The Licensee issued firm quotation of Rs.4000/- to the consumer on 30.8.2014. The consumer deposited the said amount of Rs.4000/- on 4.9.2014. Therefore time period for provision of supply commences from the date of receipt of completed application & payment of charges i.e. from 4.9.2014. It is not the case of the Licensee that for the connection of said consumer it was required extension or augmentation of distributing main or commissioning of new substation. Therefore the Licensee should have released electric supply to the consumer within one month from 4.9.2014. However the Licensee failed to release supply to the consumer till date. Hence period of failure to meet standard of performance as per Appendix-A entry no.1 (III) counts till today i.e. from 4.10.2014 to 14.09.2016 of 1 year 11 months & 10 days i.e. of 101 weeks

(approx.). The compensation payable under such case is Rs.100/- per week or part thereof of delay. Hence compensation works out to 101 (weeks) x Rs.100 = Rs.10,100/- . The Licensee is liable to pay said compensation to the consumer as per SOP Regulations 2014. Similarly due to gross negligence of the concerned employees of the Licensee without releasing any supply to the consumer electricity bills were issued to the consumer. Therefore the consumer, without any fault on his part, required to deposit electricity bills of Rs.1300/- on 16.12.2015. Therefore the Licensee is liable to refund the said bill amount alongwith interest equivalent Bank rate vide section 62 (6) of Electricity Act, 2003. The Licensee is also liable to pay compensation to the consumer to the tune of Rs.2000/- for mental harassment. We do not found it proper to impose penalty or compensation on Licensee for loss of agricultural income of the consumer of Rs.4,50,000/-, since the consumer did not give any details or evidence about loss of agriculture income. The Licensee is at liberty to recover above mentioned compensation and interest amount from the delinquent employees by making departmental enquiry.

14. Lastly, we proceed to pass following order:

### ORDER

1. Grievance of the consumer is hereby allowed with cost.
2. The Licensee to release Ag. Electric supply to the consumer having no. 17507001025 within 7 days from the receipt of this order.
3. The Licensee to pay SOP compensation of Rs.10,100/- to the consumer.
4. The Licensee to pay compensation of Rs.2000/- to the consumer for mental harassment.
5. The Licensee to refund energy bill of Rs.1300/- to the consumer alongwith interest equivalent to Bank rate vide Section 62 (6) of E.A.2003.



6. The Licensee to recover above mentioned compensation and interest amount from delinquent employees by making departmental enquiry.
7. On releasing of supply to the consumer the Licensee to revise CPL record of the consumer.
8. The Licensee to report compliance within one month from the receipt of this order.

Delivered on: - 16.09.2016

Sd/-  
**S.S.Pathak**  
Member  
CGRF:PZ:PUNE

Sd/-  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ:PUNE

Sd/-  
**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.' ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg.,  
Bandra Kurla Complex,  
Bandra (E), Mumbai-51.