

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

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**Case No. CGRF (NZ)/109/2017**

Applicant : Shri. Ansum Raj Ragade,  
Plot No. 9 Kricent Co-op. Society,  
Godhani Road, Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(D/F), NUC MSEDCL.  
Nagpur

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Applicant's Representative: - Shri. Sunil Jecab Representative

Non- applicant: - 1) Shri Vairagade EE, Nodal Office, Nagpur  
2) Shri. Dahashatre, SNDL, Nagpur

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Quorum Present: - 1) Shri Vishnu S. Bute,  
Chairman.  
2) Shri N.V.Bansod,  
Member  
3) Mrs. V.N.Parihar,  
Member Secretary.

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**ORDER PASSED ON 17.03.2018.**

1. The applicant filed present grievance application before this Forum on 21.12.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as, said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 12.01.2018
3. Forum heard arguments of both the sides and perused record.

4. Applicant Shri. Ansum Raj Ragade has submitted his grievance stating that he has applied for new residential Electric Connection vide application No. 6326783073 on 19-07-2017 but same is not provided as per the provisions of The Electricity Act 2003 and the Regulations. His application is rejected due to the reasons such as long pole distance-Infra needed, improper Earthing & ELCB not installed. The applicant does not agree with these reasons of rejection and requested this forum as follows,

- a. For non compliance of I.G.R.C. order, action against the responsible employee as per section 43 of the Electricity Act. 2003 may be ordered.
- b. Grant of compensation of Rs.20000/- for mental and physical harassment.
- c. Other reliefs as per principles of natural Justice.

5. Applicant filed grievance with IGRC on 13.07.2017. Accordingly the matter was heard and IGRC in its order stated that, "Erection of infrastructure is the responsibility of the Company and not of the applicant. As per Standards of Performance Regulations of 2014, the time prescribed for erection of infrastructure and release of electric connection is three months from the date of receipt of the application. Hence, cause of rejection for erection of LT line is not justified. Secondly, issue of demand note cannot be held up due to incomplete installation. Only release of connection can be held up due to incomplete installation i.e. for earthing and ELCB. Hence, the NSC- In charge is directed as below.

1. Process the application for issue of the demand note.
2. Release the connection after payment of demand note and completion of all formalities (proper earthing & installation of ELCB) etc. if required.

3. Demand of action against employees & payment of compensation of Rs. 5000/- is rejected due to jurisdictional constrain.
6. Feeling aggrieved by this decision of IGRC, Applicant filed his grievance application before this forum for necessary relief.
7. By their reply dated 12.01.2018, the Non-applicant denied the claims of the applicant stating that due to long distance, erection of poles was necessary. Also as the earthing of installation was not in order and due to non-installation of ELCB the application of applicant for New Connection is kept pending . However as per IGRC order on dt.07.09.2017 demand note was issued on dt.12.01.2018 and poles are erected but due to non submission of Occupancy certificate and completion certificate as per Hon'ble High court's order dt 31.08.2017, the new connection is not yet to be released. After submission of the same and rectification of discrepancies the supply shall be released.
8. The case was fixed for personal hearing on 16.01.2018, 14.02.2018, 07.03.2018, 14.03.2018. Both the parties were present and they were heard.
9. During the hearing, Non-applicant reiterated the same facts stated in their written reply and further In support of their contention the non applicant filed and relied on circular of Electrical Inspector, Nagpur dated 6-3-2017. So also the non-applicant filed a copy of the Hon'ble High court order issued in response to PIL no.70 of 2017 dt. 31.08.2017. Wherein it has been clearly directed that without occupancy /completion certificate new connection should not be given.In the instant case the applicant has been informed to submit the same but till today applicant has not furnished the same.

Hence due to incomplete formalities the connection is not yet released. The non-applicant therefore requested that the compensation claim of the applicant deserves to be rejected and prayed the forum to dismiss the grievance application.

10. After the hearing was over the case was discussed among the members of the Forum. The Chairman and the Member Secretary were of the opinion that in view of fact that applicant failed to comply the provisions of proviso to Regulation (1) and 4.10 of SOP regulation 2014, he is not entitle for any compensation. However the consumer representative was of the different opinion. The consumer's representative was requested to submit a dissenting note which is as under

**11. Note by Member (CPO) Mr. Naresh Bansod in Case No. 109/2017 dated 15/03/2018.**

**We heard the arguments of both parties on 14-03-2018 & perused all the papers on record.**

1. The grievance of the applicant is as under as per application dated 21-12-2017. The applicant has applied for New Residential Electric Connection on 19-07-2017 but electric connection is not provided within the time schedule as per The Electricity Act. 2003 and Regulations and due to non compliance of I.G.R.C. order penal action as per section 43 of the Electricity Act. 2003 be taken and requested forum for grant of compensation of Rs.20000/- for harassment & mental agony etc. Applicant also requested for other benefits as per principle of natural Justice.
2. Applicant also requested Nodal Office vide letters dated 24-8-17,1-9-17,31-10-17,10-11-2017 but no action was taken by Non Applicant on pretext that Long

Pole distance. Infra required, Pole case mail send to A.M. case, Earthing not OK/ElcB not installed.

3. Non applicant in reply dated 12-1-2018, admitted that applicant applied for New Electric Connection vide application No. 6326783073 on 21-12-2017 and application is kept pending for reasons below.

“परंतु विज पुरवठा देण्यासाठी अंतर जास्त असल्यामुळे जास्तीचे विज खांब टाकण्याची आवश्यकता असल्यामुळे व आर्थिंग व ELCB लावल्या नसल्या मुळे सदर ग्राहकाना नविन विज पुरवठा संबंधी अर्ज प्रलंबित ठेवण्यात आला असे ८.०८.२०१७ रोजी कार्यालयीपन पत्रद्वारे कळविण्यात आलेले आहे”.

Non applicant further stated that IGRC has ordered on 30-8-2017 as under.

“विज पुरवठा देण्यासाठी जास्तीचे विज खांब टाकण्याची जबाबदारी कंपनीची आहे त्यामुळे सदर ग्राहकास डिमांड नोट देण्यासाठी व आर्थिंग केल्यावर व ELCB लावल्यावर विज पुरवठा देण्यासाठी आदेश दि. ३०.८.२०१७ रोजी दिला”

Non applicant also stated that on 7-9-2017 temporary electric poles were erected but as per High Court Order dated 31-8-2017 without occupy/completion certificate, New Supply cannot be given. Non applicant further stated after submission of प्रमाणपत्र and installation of ELCB वीज पुरवठा देण्यात येईल and denied compensation claim.

4. (A) Non applicant failed to file “A” form as well as test report of the licenced electric contractor submitted by Applicant.

(B) Non applicant intentionally avoided to mentioned the distance i.e. long pole distance – Infra required, inspite of letter of applicant dated 24-8-2017 i.e. IGRC

as well as Non applicant admitted that erection of Electri Poles is responcebilty of the company and hence contention of "Long pole distance Infra required" is baseless, intentional to harass and delay the connection to the applicant.

(C) Non applicant vide letter dated 8-8-2017 intimated earthing not OK/ELCB not installed.

Non applicant failed to produce test report of licenced electric contractor submitted by applicant alongwith "A1" form as well as non applicant further failed to produce their inspection report and also failed to conduct joint inspection of premises alongwith Electrical contractor. Hence on this count, the submission of non applicant is baseless & deserves to discarded at 1<sup>st</sup> instance. On the contrarry, applicant himself installed 2 poles even though it was duty of non applicant and hence earthing not OK is false further because discripancies in earthing not mentioned.

(D) On the point of Non installation of ELCB, Non applicant relied on circular of Electrical Inspector, Nagpur dated 6-3-2017, the provisio is as under.

"Provided that such earth leakage protective device shall not be required for overhead supply lines having protective devices, which are effectly bonded to the neutral of supply Transformers and conforming to the neutral of supply transformers and conforming to Regulations 73".

During argument & query by Member (CPO), Mr. Dahashastra & Mr. Wasim admitted that supply lines was overhead and as per above provisio ELCB was not required still Non Applicant insisted for the same is unfair trade practice and it is deliberate attempt

on part of Non Applicant to delay the connection and harass the Applicant and also to penalize with unnecessary cost poles & ELCB.

(E) Both the parties admitted that demand note was issued on 12-1-2018 & applicant paid Rs.2000/- on 13-1-2018. Applicant said as per circular No. 43 of 27-9-2006 regarding schedule of charges for load of 1 KW – Security deposit is Rs.1000/- but non applicant issued demand note for Rs.2000/- treating as commercial connection and non applicant was silent in written reply as well as in Argument. Hence Non applicant is liable to refund excess amount of Rs.1000/- (2000 – 1000 = 1000) with interest from 13-1-2018 till date of payment as per section 64(6) of The Electricity Act.2003 and at the rate of interest as per MSEDCL Cir. No. 243 dated 25-4-2017.

(5) Applicant submitted application on 19-7-2017. Demand note was issued on 12-1-2018 & paid on 13-1-2018. As per SOP Regulations 2014, time period for completion of inspection of applicants premises is 7 days from date of submission of application and time period for intimation of charges is 15 days. Hence it was mandatory to complete inspection on or before 27-7-2017 and to issue demand note on or before 4-8-2017 but inspection was done on 8-8-2017 & demand Note on 12-1-2018 and hence 12 days delay in inspection and 161 days delay in issue of demand note. Hence non applicant is liable to pay SOP compensation for late inspection as well as late demand note @Rs.100/- per week or part thereof for delay.

(6) In reply Non applicant stated that as per High Court order dated 31-8-2017, without occupany/completion certificate New Electric Supply cannot be given.

Applicant vide letter dated 10-11-2017, stated that at his residence, there is no high tension line & it is in slum area and prayed for New Electric Connection.

As per The Electricity Act. 2003 Section 43(1), it was mandatory on non applicant to give supply electricity to such premises, within one month after receipt of the application requiring such supply and as per SOP Regulation 3.2, the affected person is entitle for compensation.

It is proved in above paras that delay on pretext of long pole distance, earthing not OK/ELCB not installed is false and deliberate attempt of non applicant to delay connection & harass the applicant. If non applicant should have acted as per act & SOP Regulations, Applicant might have received connection on or before 19-8-2017 i.e. 12 days before the order of High Court dated 31-8-2017. Hence non applicant is liable for penalty for delay from 20-8-2017 to 30-8-2017 as per Section 43(3) of the Electricity Act. 2003.

(7) It is provid beyond doubt that applicant suffered harassment & mental agony due to deliberate & faulty way of working and applicant will further suffer further till disposal of aforesaid High Court case or any other order/direction on the aspect of New Service Connection for no fault of applicant. Hence Non Applicant is liable to pay compension of Rs.10000/- to the applicant as per MERC CGRF & EO(O) Reg. 2006 Reg. 8.2 (c)(e).

(8) Supreme Court of India in iota of Judgements held as under.

MSEDCL – A state within article 12 of the constitution of India must act fairly and bonofide. It cannot act for a purpose which is wholly unauthorized not germane for achieving the object it possesses whether under a statute or otherwise.



I am of the firm opinion that forum is not interested or inclined to put financial burden of Distribution Licensee which is ultimate burden on common consumers by way of tariff, Hence Disciplinary inquiry be held in order to ascertain as to who was responsible and suitable action be taken against the officers if they are found guilty of negligence and amount awarded in order shall be recovered from the salary of negligence persons as per ratio laid down by Supreme Court of India in petition reported in AIR 1994 Supreme Court 787 between Lucknow development Authority v/s M.K. Gupta.

(9) In land mark Ruling of Madras High Court.

“The Madras High Court has said electricity supply is a legal right and denial of power supply is violation of human rights.

Justice Hon. Manikumar said “Lack of electricity supply is one of the determinative factors, affecting education, health and a cause of economic disparity and consequently inequality in society leading to poverty.

Electricity supply is an aid to get information and knowledge, Children without electricity supply cannot even imagine competing with others.

“Right to electricity of a person is recognized in the distribution code and it is integral to the achievement of socio-economic rights.

(10) Lastly it is necessary to mention that Non Applicant generally raise objection on clause 12.2 of SOP Regulations 2014. Which is baseless that claim is no filed within 60 days with the distribution licensee.

"I rely on the order of Electricity Ombudsman, Nagpur in Representation No. 34/2016 dated 19-8-2016 in case of Sunil Shankar Chambhare V/S The Executive Engineer, Hingaghat and Hon Justice K.J. Rohee has laid the ratio as under.

"It may be noted that clause 12.2 of SOP Regulations 2014 is applicable only when the consumer files his claim with the Distribution Licensee. The said limitation of 60 days does not apply when the consumer files his claim compensation with the forum".

Hence applicant is entitle for the compensations as above.

Hence the application is deserves to be allowed.

### **ORDER**

- 1) Non applicant is directed to pay SOP compensation Rs.100/- per week for 12 days delay of inspection and 161 days delay in Demand Note by cheque.
- 2) Non applicant is directed to refund excess amount of security deposit Rs.1000/- as per Section 62(6) of The Electricity Act. 2003 & Circular No. 243 dated 25-4-2017.
- 3) Non applicant is directed to pay penalty for 10 days @ Rs.1000/- per day from 20-8-2017 to 30-8-2017 as per Section 43(3) of the Elect. Act.2003.
- 4) Non applicant is directed to release the connection to the applicant within 7 days from the disposal or any other order in PIL NO.70 of 2017 by High Court.
- 5) Non applicant is directed to pay Rs.10000/- as compensation for deliberate harassment & mental agony caused to the applicant.
- 6) The compliance of this order shall be done within 30 days from date of this order.

**Member (CPO)  
Naresh Bansod**

12. We have perused the record. We have heard the arguments advanced by both the parties.

The Member (CPO) raised following points for the consideration of the forum.

- I. The non applicant unnecessarily delayed the release of connection on the ground that there is a long distance. So the connection cannot be released.

However the IGRC already quashed the contention and directed the non applicant to release the connection.

- II. The non applicant unnecessarily insisted to install the ELCB and there is no record showing that the earthing was not proper.

On going through the record, it is seen that after spot inspection the non applicants noticed that the earthing was not proper and the ELCB was not affixed. The non applicant informed the applicant accordingly. In this regard a letter from the Electrical Inspection Nagpur dt. 6-3-2017 was referred, Relevant part of the letter read as under.

**“Central Electricity Authority 2010**

*Regulation No. 42 Earth Leakage Protective Device. The Supply of Electricity to every electricity installation other than voltage not exceeding 250 V, below 2Kw and those installation of voltage not exceeding 250V which do not attract provisions of section 54 of the act, shall be controlled by an earth leakage protective device whose maximum earth leakage threshold for tripping should not exceed 30 milliamps for domestic connections and 100 milliamps for all other installations so as to disconnect the supply instantly on the occurrence of earth fault or leakage of current”.*

*“Provided that such earth leakage protective device shall not be required for overhead supply lines having protective devices, which are effectly bonded to the neutral of supply Transformers and conforming to the neutral of supply transformers and conforming to Regulations 73”.Hence as per above provision, in order to avoid electrical accident,for single phase and three phase new service connection ELCB/RCCB of proper capacity is mandatory to be installed after metering installation.This provision should be followed scrupulously.”*

According to this letter ELCB is required to be connected invariably at Consumer’s premises after metering installation which provides protection to consumer only against electrical accident. On this count it is very clear that non-applicant cannot ignore consumer’s safety, hence applicant should comply discrepancies pointed out by the applicant. Hence applicant is justified in not releasing the new service connection till rectification of defects pointed out by them. Thus it is clear that the application submitted by the applicant was incomplete. So we disagree with Member (CPO).

III. The applicant is entitle for connection as per Section 43(1) of the Electricity Act 2003.

Main contention of the non applicant in this regard is that due to Hon. High Court order, it was not possible to release the connection. We have perused the order dt. 31-8-2017 passed by Hon. High Court. The court ordered that.

*“However till further order we restrain respondent no. 4 MSEDCL and respondent no.6 Spanco Nagpur Discom Limited from releasing electricity connection to any tenement/apartment/structure which does not have*

*occupancy/completion certificate”.*

There is nothing on record showing that the applicant produced occupancy/completion certificate. So the action of the non applicant is fully justified in view of the court orders.

Regulation 4.10 of the SOP Regulations 2014 reads as follows.

*“The Distribution Licensee shall not be held responsible for the delay, if any, in giving supply on account of problems relating to statutory clearances, right of way, acquisition of land or the delay in consumer’s obligation which is beyond the reasonable control of the Distribution Licensee”.*

In our opinion the non applicant could not release the connection due to defective / incomplete installation by the applicant and non production of occupancy/completion certificate (the delay in consumers obligation). As such the application is not entitle for any compensation. So we disagree with the Member(CPO).

13. In view of the above we came to the conclusion that the connection was not released as the applicant failed to affix the ELCB and there was no proper earthing. The applicant was informed accordingly. Further more the applicant failed to produce the occupancy/completion certificate. So the non applicant could not release the connection.

So we pass the following order by majority.

**ORDER**

- 1) Application no. 109/2017 is partly allowed. The non applicants may release the connection if the applicant fulfill the conditions directed by Hon. High Court in Public Interest Litigation No. 70 of 2017.
- 2) Applicants claim for compensation is hereby dismissed.
- 3) No order as to cost.

**Sd/-**  
**(N. V. Bansod)**  
MEMBER

**Sd/-**  
**(Mrs.V.N.Parihar),**  
MEMBER SECRETARY

**Sd/-**  
**Vishnu S. Bute,**  
Chairman