

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE
(Established under the section 42 (5) of the Electricity Act, 2003)

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Consumer Grievance Redressal Forum
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No. / CGRF /Nashik/NUC/N.R.Dn/644/34/2017-18/

Date:

(BY R.P.A.D.)

Date of Submission of the case : 05/02/2018

Date of Decision :

To.

Smt. Jayeeta Ajoy Shaw ,
403 Space Zenith , Savarkar Nagar,
Nashik 13
(Consumer No. 057330145031)

Complainant

1. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Vidyut Bhavan ,
Nashik Road.
2. Executive Engineer (Rural)
Maharashtra State Electricity Distribution Com. Ltd.
Vidyut Bhavan, Nashik Road.

Distribution Company
(Respondent)

DECISION

Smt. Jayeeta Ajoy Shaw , Peth Dist. Nashik . is the Commercial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Respondent). The Complainant has submitted grievance against MSEDCL for meter not install after 2 1/2 Years of sanctioning bills is being generated . The Complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. Ltd. But not satisfied with the decision of the IGRC , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No.04 of 2018 on 05 /02/2018.

The Forum in its meeting on 05/02/2018, decided to admit this case for hearing on 01/03/2018 at 12.30 Pm in the office of the forum . A notice dated 08/02/2018 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Urban Circle Office Nashik for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Smt. P.V. Bankar , Nodal Officer/Ex. Engr. , Addl. Executive Engineer Shri. S.P. Pagar represented the Distribution Company during the hearing. Smt. Jayeets A. Shaw appeared on behalf of the consumer.

Consumers Representation in brief :

As per the decision of Internal Grievance Cell, we now have to install the poles as per 1.3% DDF and get the electric supply to our well. This is still a big cost considering we have already invested in a diesel generator due to non response from you over the last 2 years.

We are seeking further relief in erection cost of the poles leading to the well. Also we would like to have the same at the earliest under your strict supervision.

Arguments from the Distribution Company.

The Distribution Company submitted a letter dated 28/02/2018 from the Dy.Ex.Engineer Peth Sub Division and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

With reference to above subject this is to inform you that as per complaint of consumer I myself with Umrade Section officer personally visited consumer premises in the month Sep.2017 on dtd. 25/09/17. It seen that there is no electrical AG pump connection in G.No . 94 of consumer farm. Also there is no electrical n/w nearby consumer well. The present infrastructure to connect the consumer is approximately at distance of 240 Mtrs. And no LT line is erected. As there is no electrical connection the said consumer connection is withdraw in the month of Dec. 17 to stop the billing and fictitious arrears is withdrawn proposal is done. In next billing cycle the consumer shown arrears is withdraw after feeding B-80.

At present this office can't give physical connection due to non availability of present Infrastructure . Year wise paid pending under Peth S/Dn. Is given below:

Year wise Ag paid pending consumer count.

1.	For the year 2010 to 2011	=	5 Nos.
2.	For the year 2012 to 2013	=	3 Nos.
3.	For the year 2014 to 2015	=	5 Nos.
4.	For the year 2016 to 2018	=	276 Nos. (List enclosed)

At present there is only DPDC scheme under Peth Sub Division area for tribal consumers . And there is no scheme for open category consumers. For these consumer a separate scheme is proposed under Infra III . Which may be approved after one year period. Hence as per requirement these AG consumers suggested to do the Infrastructure work under 1.3% supervision to avoid time delay.

As this Consumer paid service connection amount in the year 2015 . Her physical connection in made after clearing back log of year 2010 to 2015 if after availability of fund for creating Infrastructure.

Now the said consumer given concern to do the work on dtd. 28/02/18 to do the said work under 1.3% DDF scheme of which estimate is prepared within 7 days and submitted to higher authority for approval. (The application copy & 100 bond undertaking is enclosed).

The fictitious arrears of said consumer will be withdrawn paid next billing cycle.

Action by IGRC :

1. Internal Grievance Redressal Cell Urban Circle conducted hearing on 08/11/2017 for the complaint submitted on 10/10/2017 .
2. After hearing both the parties IGRC gave decision as per letter dated 07/12/2017 as under .

" rdtknj xtgdkl oht duD'ku ukgh rjh fcy fnys tkr vkgs I nj oht duD'ku Rojhr cn dj. ; kr ; kos xtgdk 1-3 % fMfM, Q fLde e/; s duD'ku ?ks ; kl r; kj vl sy rj fu; eki æk. ks xtgdkyk oht duD'ku ns ; kr ; kos

Observations by the Forum:

On heard both sides it is noticed that the applicant opted unlawful and wrong procedure to seek Electric connection for their Agr. Pump. In fact before paying any amount to unauthorized person actually the applicant would have confirmed from the higher officer and might have confirm the procedure to seek urgent connection.

As it is well known that there is a large number of Agricultural paid pendency with the Dist. Company which will be cleared only after seeking the financial aid /Assistance/ linkage & necessary approvals from GOM to clear Ag. Paid pendency , because in releasing Ag. Paid pendency GOM plays vital

road regarding upto which date those pending Agricultural connections to be released to maintain uniform scenario all over the state.

In the present case it seems applicant desires to seek immediate connection for which there are different procedures to get same on priority such as getting sanctioned him 1.3% DDF scheme, in which applicant has to execute bond with the Distribution Companies approved contractor and submit along with their application for power supply. After which on receipt of the feasibility report from filed office necessary sanction be given by the competent authority. There after the applicant on paying 1.3% supervision charges to the Distribution Company may execute the work Infrastructure required with the help of contractor and hand over the assets so created to the Distribution Company, There after the said Agricultural connection can be released .

It seems the distribution official has intimated above procedure to the applicant but unfortunately the applicant in this case has already paid to the unauthorized person.

The energy bill issued without giving actually /physically power supply needs to be withdrawn. Moreover the applicant expected relief in getting power supply and not claimed any compensation thereof , hence no question of compensation to be given and SOP to be applied.

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 Electricity bill raised without giving physically connection to the applicant be withdrawn.
2. As per applicants verbal request during hearing said agricultural connection can be sanctioned under 1.3 DDF Scheme immediately and after observing distribution companies formality connection be release immediately.
3. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within one month and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum .
4. 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.
5. 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.
- 7 . CGRF member has submitted their own opinion as below still them order is passed as above.

Opinion of Member :

1. MSEDCL is directed to give new physical Electric Agricultural connection to Mrs. Jayeeta Ajoy Show immediately.
2. The MSEDCL is liable to pay SOP compensation for 136 weeks @ 100/- per week i.e. Rs. 13,600/- for the period 21/08/2015 to 31/03/2018 (Additional SOP should be paid Rs. 100/- per week till the date of new physical Connection). In view of failure to meet standards of performance as prescribed under MERC Regulations for issuing demand note and providing of Electric connection to complainant.
3. The bill issued to Mrs Jayeeta Ajoy Show without installing physical Electric connection for the month June 2015 to Dec. 2017 is set aside. Whereas the paid electric bill should be given credit for her bill that will be given after giving new physical Electric connection .

4. The MSEDCL to take appropriate action against the concerned erring officer/employee of Licensee for negligence / latches, resulting in monitory liability against it as per ruling of Supreme Court of India in the matter of M.K. Gupta Vs Luknow Development authority, Case No. 6237 of 1990 reported in 1994 (i) SCC page 243 after due enquiry.
5. That concerned senior authorities of MSEDCL to give suitable directions to all concerned , so as to avoid monitory losses of Company by giving late connection (Loss of revenue).

(Smt. Vaishali V.Deole)
Member

(Prasad P. Bicchal)
Member Secretary

(Prasad P. Bicchal)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

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. , Urban Circle office, Nashik .