

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

Case No. CGRF(NZ)/72/2018

Applicant : Shri Kawadu Mahadeo Kalwade,
Pimpalgaon (M),
Hinganghat.

Non-applicant : Nodal Officer,
The Executive Engineer,
Hinganghat Division, MSEDCL,
Hinganghat.

Applicant represented by : 1) Shri B. V. Betal,

Non-applicant represented by: 1) Shri P.R. Telrandhe, Dy.Exe.Engineer,
MSEDCL.

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

ORDER PASSED ON 05.07.2018.

Applicant Shri Kawadu Mahadeo Kalwade presented this application under the provision of Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006. The applicant applied for an agricultural connection. It is his contention that the connection was not released within the stipulated period. So he claims compensation. The IGRC dismissed his application. Hence this grievance.

The non applicant submitted reply. The case was fixed for personal hearing on 3.7.2018. Both the parties were present. They are heard.

The applicant was represented by his representative. He argued that the applicant submitted an application for connection to his agricultural pump on 9.3.17. He got the demand note on 23.3.17. He deposited the amount 23.3.17. He submitted the test report on 24.3.17. However the supply was not given within the period prescribed under the Regulations. He got the supply on 7.11.17.

Since the non applicant failed to release the supply within the prescribed time, the applicant may be given a compensation as per SOP Regulations. Rs.10,000/- each may be awarded for his mental and physical harassment. Rs.3000/- may be given for travel expenses and Rs.20001/- may be given for the expenditure incurred for this application.

Shri P. R. Telrandhe, Dy.Exe.Engineer represented the respondents. He accepted the dates given by the applicant in his application.

He further added that 0.60 KM. L.T. was necessary to give supply to the applicant. The supply was released on 6.11.17. However sufficient funds were not released from the Government. This situation was beyond the control of the Distribution Lincecee. So as per the provisions of Regulation 11.1(IV) of the 2014 Regulations the responsibility cannot be fixed upon the Distribution Lincensee. So the application is liable to be dismissed. He stated that the order passed by the IGRC is just and proper. It may be confirmed.

We have persued the record. We have heard the arguments of both the parties.

There is no dispute about the various stages of the application. The non applicant urge to dismiss the application as the funds were not released from the Government. So the non applicant could not release the connection. Since the release of funds is not within the control of the non applicant the provisions of Regulation 11.1 (IV) of 2014 Regulation are applicable to this case. So no compensation can be given to the applicant.

Regulation 11.1(IV) reads as under.

Nothing contained in these Regulations shall apply where, in the opinion of the commission, the Distribution Licensee is prevented from meeting his obligations under these Regulations by –

(IV) or other occurrences beyond the control of the Distribution Licensee.

Now the non applicant say that non release of funds by the Government is beyond it's control. However there is nothing on record that the commission confirms the say of the non application. Untill in the opinion of the commission the situation explained by the non applicant is beyond his control, exemption under these regulation cannot be given to him. So we disagree with the non application.

The application was complete on 24.3.2017. To give supply to the applicant extention to the distribution net work was necessary. So the applicant was entitle for connection on or before 23.6.2017, as per the provisions of Regulation 4.8 of the 2014 Regulations.

The connection was released to the applicant on 6.11.2017. Naturally the connection was not given within the stipulated period. So the applicant is entitle for compensation as per the provisions of Regulation 12 read with Appendix A(1)(III).

In absence of cogent and reliable evidence we are not inclined to accept other claims of the applicant.

So we pass the following order,

ORDER

1. The application is allowed. Order passed by the IGRC is hereby set aside.
2. The respondent shall pay compensation at the rate of Rs.100/- per week for the period from 24.6.2017 to 6.11.2017.

Sd/-
Mrs.V.N.Parihar
MEMBER SECRETARY

Sd/-
Vishnu S. Bute,
Chairman