

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

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**Case No. CGRF(NZ)/73/2018**

Applicant : Shri Maroti Lahanu Parise,  
At – Kapsi,  
Hinganghat.

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

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

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

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.

2) Mrs. V.N.Parihar,  
Member Secretary.

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**ORDER PASSED ON 05.07.2018**

Applicant Shri Maroti Lahanu Parise presented this application under the provisions of Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006. The applicant applied for an agricultural connection. It is the contention of the applicant that in spite of the fact he completed all the formalities the non applicant has not released the connection. So he is entitle for 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. Shri B. V. Betal, argued the case for the applicant. Shri P. R. Telrandhe, Dy.Exe.Eng. represented the non applicant. Both the parties were heard.

Shri Betal argued that the applicant submitted an application for agricultural connection on 1.11.2016. He deposited the required amount on 28.2.17. He submitted the test report on 5.4.17. Even though his application is complete in all respect the connection is not released to him till today.

His prayer was as under,

- (1) He may be given a connection immediately.
- (2) The non applicants released the connections keeping aside the seniority of the applicant. So a cost of Rs.25000/- may be imposed upon the concerned officers.
- (3) The applicant may be given a compensation as per SOP Regulations.
- (4) Rs.10000/- each may be awarded for mental and physical harassment.
- (5) Rs.3000/- may be given for travel expenses and Rs.2000/- may be given for the expenditure incurred for this application.

Shri Telrandhe, replied that the dates mentioned by the applicant are acceptable to the non applicant.

He further added the funds were not given by the Government. So a connection could not release to the applicant. The release of funds is a matter beyond the control of the non applicant. As such the provisions of Regulation 11.1 (IV) are applicable to this case.

The applicant is not entitled for compensation. The order passed by the IGRC is just and proper.

We have perused the record. It is admitted fact that the application for Ag. Pump is complete in all respect. The connection is not released within the stipulated period.

Now as per the non applicant the case comes within the perview of Regulation 11.1 (IV) of the 2014 Regulation.

The regulation reads as under.

11.1 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 Regulation 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 the it's control. However there is nothing on record showing that the commission confirms this contention of the non applicant. Unless in the opinion of the commission the situation explained by the non applicant is beyond his control the exemption under this Regulation cannot be given to him. So we disagree with the non applicant.

This follows that the order passed by the IGRC in case no. 1130 on 10.7.2017 on this ground is bad in law and needs to be set aside.

Now we discuss about the compensation. Regulation 12 of the 2014 Regulation deals with the determination of compensation. Regulation 12.2 reads as under,

12.2 The Distribution Licensee.....

Provided that 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 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.

In the case in hand the application was complete on 5.4.17. To give supply to the applicant extension to the distribution network was necessary. So the applicant was entitled for connection on or before 4.7.2017, as per the provisions of Regulation 4.8 of the 2014 Regulations. Thereafter as per Regulation 12.2 the applicant should have claimed compensation on or before 3.9.2017.

The applicant has not produced any document showing that he has claimed the compensation as discussed above.

He approached the IGRC Wardha on 10.7.2017. So we confirm that the applicant claimed compensation for the first time on 10.7.2017. As per the provisions of Regulation 12.2 his claim is well within the time.

So the applicant is entitled for compensation. In absence of any cogent and reliable evidence on record, we dismiss all other claims of the applicant.

In view of the position discussed above we pass the following order.

## ORDER

1. The application no. 73/2018 is allowed.
2. The respondent should pay compensation as per Regulation 12 read with Appendix A 1(III), for the period from 4.7.2017 till the date, the electricity connection is given to him.

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

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