

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

Case No. CGRF(NZ)/86/2018

Applicant : Shri Shailendra Manoharrao Sonawale,
Plot No. 106, Ramna Maroti Nagar,
Last Bus Stop,
Nagpur-440009.

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

Applicant represented by : 1) Shri. Shilendra Manoharrao Sonawale,

Non-applicant represented by: 1) Shri. V.R. Sonkusle, Exe.Eng. MSEDCL.
2) Shri. Dahasahastra, SNDL, Nagpur.

Quorum Present : 1) Shri. A. J. Rohee,
Chairman.
2) Mrs. V.N.Parihar,
Member Secretary.

ORDER PASSED ON 21.08.2018

1. The grievance application is filed on 13.07.2018, under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as, said Regulations).
2. Non applicant filed reply on dt.26.07.2018 and denied the case of the applicant.
3. Heard arguments of both the sides on 30.07.2018 and perused record.

4. The applicant Shri Shailendra Manoharrao Sonawale submitted his grievance stating that he was user of residential connection with consumer no.410017484889 in the name of his brother i.e. Krishnakant Manohar Sonawale. On dt.08/01/2016, the vigilance team visited and inspected the applicant's premises and found that he was using electricity for commercial activities i.e. Hardware Shop. Accordingly, the assessment bill for Rs.10130/- was issued to him. The same assessment bill was paid by the applicant on 20/01/2016. As per vigilance report, his tariff was changed from residential to commercial with effect from Jan-2016. Therefore, the applicant had applied for separate residential connection on 05/08/5016 vide registration No. 589722446545. However it was rejected by the non-applicant on the ground that the applicant is not having separate kitchen in the premises. Applicant did not agree with this ground for rejection and hence submitted his grievance to IGR Cell with the following prayer.

- 1) To release the new residential connection immediately.
- 2) To refund the difference of excess bill paid due to application of commercial tariff from the date of application for NSC (dt.05/08/2016) till the date of giving new electric connection for residential purpose.

5. Applicant filed grievance with IGRC on 07.04.2018. Accordingly IGRC in its order 12.07.2018 stated that ground for rejection of NSC for not having separate kitchen is not justified provided the other documents are in order. Hence, ordered to give new connection immediately within 10 days but, rejected applicant's claim of refund of excess bill due to tariff difference i.e. residential to commercial from Aug-2016 till the date of giving new connection, on the

ground that applicant did not take any action to redress his grievance about new service connection for residential purpose at proper level and at proper time.

6. Aggrieved by this decision of IGRC, Applicant filed his grievance application with this forum for necessary relief.

7. Non-applicant in his written reply submitted that, the connection was given to the applicant's brother Krishnakant Manohar Sonawale for residential use on 24/04/2013. The vigilance squad of SNDL registered a case under Section 126 of the Electricity Act, 2003 for unauthorized use of electricity i.e. for commercial purpose. Hence his tariff was changed to commercial from residential from Jan-2016. Accordingly, the assessment bill for Rs.10130/- was issued to him. The same assessment bill was paid by the applicant on 20/01/2016. The applicant Shri Shailendra Manoharrao Sonawale, now applied for new residential connection on 05/08/2016, in the same premises but his application was rejected for not having separate kitchen in the said premises. Also applicant applied for refund of difference of tariff rate paid by Krishnakant Manohar Sonawale from August 2016 till connection is released to Shri Shailendra Manoharrao Sonawale. As the applicant is not bonafide consumer of them, the request for refund of excess amount paid by Shri.Krishnakant Manohar Sonawale due to commercial tariff is not justified and hence deserves to be quashed. As regards to his demand for new electric connection, it is being released as per IGRC order.

8. During hearing it was confirmed by both the parties that Shri Shailendra Manoharrao Sonawale is regular user of electricity. Even on perusal of vigilance report dt.08.01.2016 filed on record, it is seen that the panchanama was carried out in the name of Shri Shailendra Manoharrao Sonawale being the user of electricity and levied tariff difference i. e. residential to commercial from Aug-2016 till the date of new connection although actual connection was existing in the name of his brother. This proves that Shri Shailendra Manoharrao Sonawale is the regular user of supply and he has also paid the differential amount raised by vigilance team of non-applicant. Now, so far as reason to disallow connection for want of separate kitchen is concerned, it is not justified at all, which IGRC has rightly contended and ordered to release the connection to the applicant.

9. It is important to take in to consideration that non-applicant did not issue demand note nor release the connection as per MERC SOP regulation 2014 but alleged that applicant did not take any action to redress his grievance about new service connection for residential purpose at proper level, at proper time which is absurd and unjust. Therefore the forum is of the considered view that for no valid reason applicant's application was unnecessarily kept pending for such a long period thereby depriving him of his was legitimate right of timely connection due to which applicant suffered unnecessary burden of higher tariff. The enquiry therefore needs to be conducted and action as per rules needs to be taken against the concern erring officer for causing delay in considering applicant's request.

10. So far as claim for compensation is concerned, Regulation 12 of the SOP MERC regulation 2014 discuss about the determination of compensation. Proviso the Regulation 12 reads as follows.

“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 a 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.” As per MERC Regulation No. 4.8, it is admitted that in the case in hand the Distribution Licensee was expected to issue a demand note on or before 20.08.2016 within 15 days from 05.08.2016. However the demand note was given on 21.12.16 i.e. late by 162 days. Naturally the Distribution Licensee failed to meet the standards of performance. As such the applicant should have filed his claim with the Distribution Licensee within a period of sixty days from 20.08.16 i.e. on or before 19.10.16 as per SOP regulations 2014 (Regulation 12.4). However the applicant approached the Licensee/IGRC on 12.07.18. As such the Compensation claim for late demand is barred by limitation.

11. The applicant further claims that the Distribution Licensee failed to release the connection within the stipulated time limit. On perusal of the record, it reveals that the application was complete on i.e. dated 20.08.2016, when the applicant submitted the test report. So as per the provisions of Regulation 4.8 he was entitled for connection on or before 20.09.16, but the connection is not released even till this date. As discussed in the forgoing para

as per the provisions contained in proviso to Regulation 12.2 he should have claimed compensation within a period of 60 days from 21.09.16 i.e. on or before 21-11-16. However the applicant approached the Licensee on 12.07.18. Thus it is evident that the applicant failed to comply with the provisions of proviso to Regulation 12.2. Hence the claim for compensation for late connection is also barred by limitation.

12. However the applicant prayed that his electricity bills be revised on the basis of residential tariff since his application date for residential connection which is allowed. Therefore grievance application deserves to be partly allowed. Hence the following order.

order

1. Application no. 86/2018 is partly allowed. The electricity bills of the applicant shall be revised for the period from 20.09.2016 till the new residential connection to the applicant on segregation of his residential and commercial load.
2. To take action against the erring officer for delay in considering request for granting connection.
3. Compliance to be given within 30 days.

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

Sd/-
Shri A. J. Rohee
Chairman