

1) On being aggrieved by the fact of Non-redressal of grievance by IGRC Akola within 60 days, the complainant M/S Shree Ram Construction Company, Akola approached this Forum under the clause 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006, for resolving the grievance.

2) Complainant's case in brief is that complainant is applicant for new residential and commercial connections of residential cum commercial complex built by M/S Shree Ram Construction Company, at plot no. 05 Rautwadi Akola, having applied to N.A .M.S.E.D.C.L for 16 no. residential and 8 no. commercial connections on 10th of October 2017. According to complainant N.A .M.S.E.D.C.L should have issued demand note within 10 days of application and should have released connections within one month as per commercial circular no. 240 dated 05/05/2015. According to complainant N.A .M.S.E.D.C.L inspected the site without any intimation to complainant and sanctioned estimate on 11/01/2018 under DDF (Dedicated Distribution Facility) without specific requirement of dedicated facility and consent, when complainant opted for execution of service connection under 1.3% normative charges approved by MERC under schedule of charges. According to complainant N.A .M.S.E.D.C.L never intimated about sanction of estimate and issued only demand note against two connection and released 2 connection after approaching IGRC Akola. According to complainant N.A .M.S.E.D.C.L accorded approval to revise estimate under departmental scheme for 22 remaining connections but not issued demand note till filling this complaint and thus violated their own commercial circular no. 240 and SOP Regulation 2014 and hence complainant is entitled for SOP Compensation of Rs. 100/- per week for each applicant. Complainant prays for immediate issue of demand note and release of connection within 15 days along with SOP Compensation for delay and cost Rs. 2000/- for each applicant. Complainant annexed copy of complaint to IGRC, commercial circular no. 240 dated 02/05/2015, copy of sanctioned estimate dated 11/01/2018 and acknowledgement of new connections for 24 applicants alongwith the complaint.

3) Reply came to be filed belatedly by N.A .M.S.E.D.C.L on 27/12/2018. According to N.A .M.S.E.D.C.L estimate and load sanction for giving 16 No. residential and 8 No. commercial connections to M/s Shri Ram Construction Company at Rautwadi Akola is sanctioned on 11/01/2018. According to N.A .M.S.E.D.C.L the re-sanction was accorded as per

guidelines issued by CE/Dist/10992 dated 15/05/2018 on 24/10/2018 after complaint to IGRC on 18/08/2018. According to N.A .M.S.E.D.C.L demand note for remaining 22 No. applicant's is issued on 24/12/2018 and connections will be released as per new guidelines issued vide circular No. CE/Dist/30011 dated 20/12/2018 after 01/01/2019 after completion of payment formalities by the complainant. According to N.A .M.S.E.D.C.L show cause notices have already been issued for delay in issuing demand note to Additional Executive Engineer No. 3 and Assistant Engineer No. 12 for implementation of SOP Regulation and requested Forum to dismiss the complaint.

4) Shri Ashish S. Chandarana learned representative for complainant and Shri P. R. Dani, Executive Engineer Urban alongwith Shri A. J. Dinore, Additional Executive Engineer for respondent N.A .M.S.E.D.C.L were present for the hearing held on 16/01/2019. Shri Ashish S. Chandarana learned representative for complainant filed on record written note of argument with request to Forum to allow the complainant to withdraw the grievance filed on behalf of owner of two commercial shops No. 4, and 5 and three residential flats No. 301, 103 and 101 as filed without valid authority of complainant. Shri Ashish S. Chandarana requested Forum to consider the grievance for 13 No. Residential Flat owners and 6 No. commercial shop owners. Shri Ashish S. Chandarana reiterated grievance on record and submitted that out of 13 No. Residential connections N.A .M.S.E.D.C.L have released connection for flat owner no. 204 and urged that application for new connection is submitted to N.A .M.S.E.D.C.L on 10/10/2017 and N.A .M.S.E.D.C.L issued demand note for one applicant on 25/10/2018 and to other 18 applicants on 24/12/2018, when it was obligatory as per commercial circular no. 240 dated 02/05/2015 on the part of N.A .M.S.E.D.C.L to issue demand note within 10 days thus violated their own circular and SOP Regulation 2014, and claimed SOP Compensation for delay in issuing demand note and release of connection. Shri Ashish S. Chandarana urged Forum not to accept the reply filed on record by N.A .M.S.E.D.C.L as is not addressed to Forum but to single member/secretary. Shri Ashish S. Chandarana brought to the notice of Forum that it is not correct as filed by N.A .M.S.E.D.C.L in their reply that estimate was sanctioned on 11/01/2018 as never communicated to complainant so also it is not correct that grievance is resolved by N.A .M.S.E.D.C.L after approaching IGRC Akola when grievance is filed before IGRC Akola on 18/08/2018 and estimate was sanctioned on 24/10/2018. Shri Ashish S. Chandarana urged that all the connections were feasible from existing network to have released

within one month but delayed for more than a year which amounts to deliberate extortion. Shri Ashish S. Chandarana however urged to surrender the claim for SOP Compensation if all connections are released within 15 days ie before 31/01/2019. Shri Ashish S. Chandarana urged before Forum not to consider the circulars issued by their corporate office referred in their reply by N.A .M.S.E.D.C.L as the applicability of those circulars is for new applications after 01/01/2019.

5) Shri P. R. Dani, Executive Engineer and Nodal officer urged that infrastructure work such as extension of 11 KV line one span and installation of distribution transformer is to be executed for releasing the commercial and residential connections to complainants' premises and admitted to complete the work including release of connections within 15 days. Shri P. R. Dani, Nodal officer brought to the notice of Forum that show cause notices have already been issued to concerned engineers for delay in issue of demand notes as per SOP Regulation 2014. Shri P. R. Dani, Nodal officer referred circular issued by corporate office of MSEDCL dated 15/05/2018 and 20/12/2018 to defend the delay in time period for releasing the connections.

6) Having heard the parties and after considering the material placed on record Forum finds considerable force in the grievance of complainant pertaining to release of new connection and SOP Compensation for delay. SOP Regulation 2014 provides for time period for issuing demand note as 15 days from existing network and 30 days where infrastructure is to be created and 30 days to release connection from existing network and 90 days for release of connection where infrastructure is to be created. It is noted by Forum that corporate office of MSEDCL, have gone further in the endeavor to provide power supply even before the stipulated period so as to provide more expeditious service to consumers and have issued commercial circular no. 240 issued vide co-ord cell/make in India/21283 dated 02/05/2015 referred by complainant and filed on record according to which, it was obligatory on the part of N.A .M.S.E.D.C.L to issue demand note within 10 days and release of connection within 30 days. Despite notice to N.A .M.S.E.D.C.L they remain silent and did not deny the applicability of commercial circular no. 240 when directions issued as per circular no 240 were binding on the field staff including N.A .M.S.E.D.C.L. Forum is of the view that N.A .M.S.E.D.C.L tried to justify the delay in issue of demand note and release of connection on the basis of guidelines issued by corporate office by

circular dated 15/05/2018 and 22/12/2018 when these circulars referred in their reply and argument are never brought on record by N.A .M.S.E.D.C.L, even on submission of complainant that these referred circulars are applicable for new application after 01/01/2019, the fact has not been denied by N.A .M.S.E.D.C.L. Forum is of the view that connections could have been released from existing network as claimed by complainant as nothing is brought on record by N.A .M.S.E.D.C.L that present network system is incapable of catering the load of new connection. Forum is of the view that even if the submission of N.A .M.S.E.D.C.L regarding extension of infrastructure is accepted, connections should have been released within three months as per SOP Regulation 2014 and N.A .M.S.E.D.C.L cannot be relieved of their liability of SOP Compensation for delay in issue of demand note and release of connection. Forum is of the view that though complainant has shown his conditional willingness to surrender the claim for SOP Compensation if connections are released up to 31/01/2019, the SOP Compensation is payable for non performance and delay in issue of demand note from 11/11/2017/ to 24/10/2018 for one applicant and from 11/11/2017 to 23/12/2018 for 18 complainants. Considering the delay from 10/10/2017, Forum is inclined to allow the cost to the complainant and thinks that Rs. 2000/- will be sufficient to meet the ends of justice.

With these observations, Forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No. 60 of 2018 Dated 07.12.2018 is hereby partly allowed.
2. That the N.A .M.S.E.D.C.L is directed to release electric connections to 12 Residential and 6 commercial premises of complainant within 15 days preferably before 31/01/2019 as per submission of N.A .M.S.E.D.C.L.
3. That the N.A .M.S.E.D.C.L is directed to compensate each [18] residential and commercial complainant of Shree Ram Construction Company by SOP Compensation at Rs. 100/- per week from 11/11/2017 to 23/12/2018 and

to one residential connection no. 204 from 11/11/2017 to 24/10/2018 for delay in issuing demand note.

4. That the N.A .M.S.E.D.C.L is directed to pay complainant Rs. 2000/- towards expenses by cheque within 15 days of this order.
5. That the N.A .M.S.E.D.C.L is directed to submit compliance report within one month of this order.

S/d/-
Member Secretary

S/d/-
Member (CPO)

S/d/-
Chairman

Contact details of Electricity Ombudsman appointed by
MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar,
Chhaoni, Nagpur-440 013. Phone:- 0712-2596670

No. CGRF/AKZ/Akola/31

Dt: 22.01.2019

To,
The Nodal Officers
Executive Engineer,
MSEDCL, O&M
Urban Division Akola.

The order passed on **22-01-2019** in the Complaint No. **60/2018** is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola.

Copy to :- 1) Superintending Engineer, MSEDCL, O&M Circle, Akola.
2) M/S Shree Ram Construction Company Layout plot No. 5 Rautwadi Akola, % Shri Ashish S. Chandarana Agrasen Nagar, Satguru Villa Apartment Flat no. 302, Sahkar Nagar Gorakshan Road, Akola-444004.