

Appearances

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| 1. Shri Ashish S. Chandarana | - | Representative for Complainant |
| 2. Shri. P. R. Dani | - | Executive Engineer, MSEDCL |
| With Shri. G. V. Mahajan | - | AEE MSEDCL |

1) By this common order the grievance of common nature filed by M/s Vimal Trading Centre Akola and M/s Laxmi Narayan Udyog Akola pertaining to new industrial connection is resolved by Consumer Grievance Redressal Forum, Akola.

2) On being aggrieved by the decision of IGRC Akola issued by common order No. 3935 dated 12/10/2018, complainant M/s Vimal Trading Centre Akola and M/s Laxmi Narayan Udyog Akola, approached this Forum through their authorised representative Shri Ashish S. Chandarana under section 6.4 of MERC [CGRF and ombudsman] Regulation 2006 for resolving the grievance.

3) In brief, complainant's are applicants for new industrial connection to their industry at MIDC Akola having applied to N.A. MSEDCL on 02/08/2018 by M/s Vimal Trading Centre and on 18/08/2018 by M/s Laxmi Narayan Udyog Akola. According to complainant's payment advice towards payment of necessary charges is received on 25/09/2018 and paid on 26/09/2018 and 27/09/2018 respectively by M/s Vimal Trading Centre and M/s Laxmi Narayan Udyog Akola. According to complainant's, it was obligatory on the part of N.A. MSEDCL as per commercial circular No. 240 dated 02/05/2015 to inspect site within 3 days, to issue demand note within 10 days of inspection, to execute the infrastructure work thereafter within 15 days and thereafter release connection within 2 days and thus electricity supply should have been released within 30 days of application. According to complainant's as N.A. MSEDCL failed in their obligation to abide by time period for any of the above activities, they approached IGRC Akola and IGRC Akola directed N.A. MSEDCL to release connections immediately. As IGRC order dated 12/10/2018 is not complied and connections are not released the complaints are filed before CGRF Akola and complainants pray for release of connection within 15 days, with Sop

compensation for delay in inspection, issue of quotation and release of connection. Complainants annexed copy of A1 form, firm quotation, paid receipts and IGRC order dated 12/10/2018 along with the complaint.

4) Reply came to be filed by N.A MSEDCL on 16/11/2018. According to N.A. MSEDCL, it is fact on record that complainant's have applied for industrial connection and N.A. MSEDCL issued quotation for payment on 25/09/2018 and complainant's have paid on 26/09/2018 and 27/09/2018. According to N.A. MSEDCL infrastructure of 100 KVA transformer with 0.12 km of H.T. line and 200 KVA transformer with 0.18 km of H.T line for M/s Vimal Trading Centre and M/s Laxmi Narayan Udyog respectively is required to be executed for releasing the connections. According to N.A. MSEDCL the matter has been intimated to Superintending Engineer Akola for appointment of electrical contractor for execution of infrastructure work vide letter No. 1) AEE/USD II/4029 dated 05/10/2018 and 2) EE/AKL/U/3406 dated 23/10/2018. According to N.A. MSEDCL the directives given by corporate office regarding new connection and execution of infrastructure work vide circular No 10992 are deferred till 31/12/2018 vide circular No. CE/Dist/D III/Infra/Div/26068 dated 31/10/2018 and thereafter the work will be executed and connections can be released. According to N.A. MSEDCL as they have followed the directives given by corporate office issued vide circular No. 10992 dated 15/05/2018 the request of complainant's towards Sop compensation should not be accepted by the Forum. N.A. MSEDCL annexed copy of letter No. EE/AKL/U/3406 dated 23/10/2018, CE/Dist/26088 dated 31/10/2018, CE/Dist/23264 dated 29/09/2018, and co-ord/cell/make in india/21283 dated 02/05/2015 [commercial circular No. 240], along with the reply.

5) Shri Ashish S. Chandarana learned representative for complainants and Shri P.R.Dani Executive Engineer with Shri G.V.Mahajan AEE MSEDCL were present for the hearing held on 27/11/2018. Shri Ashish S. Chandarana learned representative for complainant's reiterated the grievance on record and urged that N.A. MSEDCL have violated their own commercial circular No. 240 and not released connections to entrepreneurs defeating the very purpose of issuing circular to promote 'Make in India' and requested Forum to direct N.A. MSEDCL to release connection within 15 days. Shri Ashish S. Chandarana shown his willingness to withdraw the claim for Sop Compensation for inspection and quotation if electric supply is released within 15 days. Shri Ashish Chandarana brought to the notice of Forum that even the departmental

circulars referred in defence are not complied by N.A. MSEDCL and requested Forum to settle the grievance of electric supply with Sop compensation for delay in releasing the connection.

6) Shri P. R. Dani, Nodal officer and Executive Engineer, MSEDCL referred circulars dated 29/09/2018 and 31/10/2018 and urged that guidelines issued by Chief Engineer (Distribution) for infrastructure development to release new connection issued vide circular No. 10992 dated 15/05/2018 have been deferred for its implementation till 31st December 2018 and confirmed that new connection to complainant's industries can only be released after 31/12/2018. On being asked by Forum to comment on directives issued by their corporate office vide commercial circular No. 240 dated 02/05/2015, Shri P.R. Dani Executive Engineer, MSEDCL preferred to remain silent.

7) Having heard the parties and considering the material placed on record Forum is of the view that duty to supply electricity on application by owner or occupier within one month is casted on distribution licensee by section 43 of E.A.2003, which further provides for specifying time period by the appropriate commission where such supply requires extension of distribution mains or commissioning of new substation. Accordingly the time period of three month, where extension of distribution mains is required is provided in supply code regulation 2005 read with Sop regulation 2014. Forum is of the view 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 consumer and to improve ease of doing business to promote ' Make in India' and brought down the period to one month where infrastructure needs to be executed by issuing commercial circular No. 240 dated 02/05/2015 to field staff of MSEDCL, which in the opinion of the Forum is legal, lawful and binding on MSEDCL staff to implement it. N.A. MSEDCL instead of implementing their own circular No. 240 to release connection within one month is trying to defend their position on the basis of circular issued by distribution section of the corporate office of the MSEDCL which, in the opinion of the Forum is unlawful and against the provision of section 43 of EA 2003 read with supply code regulation 2005 and Sop regulation 2014. Forum expresses deep concern for lack of coordination between two sections of corporate office of MSEDCL as two contradictory directives for releasing new connection are issued by C.E.(Distribution) and C.E.(commercial) and field staff including N.A. MSEDCL taking selective defence. Forum is of the view that N.A. MSEDCL should release

new connection of complainants within 15 days of this order as all formalities are completed by complainants. Forum is of the view that complainants are not entitled for Sop compensation for inspection and quotation, as no documents to show that claim has been registered with MSEDCL has been filed on record. Forum is of the view that though by issuing circular, N.A. MSEDCL have curtailed the period of giving connection to one month, complainants are entitled for Sop compensation for delay in releasing connections only after three month of completed application as per Sop Regulation 2014. The grievance of Sop compensation is not constituted at this stage and complainants are not entitled for Sop compensation for delay in releasing the connection.

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

ORDER

1. That the Complaint No. 50 of 2018 and 51 of 2018 are hereby partly allowed.
2. That N.A. MSEDCL is directed to release new electric connection to the industrial premises of complainants within 15 days of this order.
3. No order as to the cost.
4. That N.A. MSEDCL is directed to submit the compliance report to this Forum within one month.

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/393

Dt: 11.12.2018

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

The order passed on 11.12.2018 in the Complaint No. 50/2018 and 51/2018 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) Shri Manish S. Sethi, m/s vimal trading centre Plot No. 28,
yeota road Akola, % shri Ashish Chandarana 302, satguru
villa apartment, Sahkar Nagar Akola-444004.
3) Mrs. R. A. Biyani, m/s Laxmi Narayan Udyog, Plot No.
T1-121, Transport Nagar MIDC Shivni Akola, % shri Ashish
Chandarana 302, satguru villa apartment,Sahkar Nagar
Akola-444004.

