

**CONSUMER GRIEVANCE REDRESSAL FORUM
AMRAVATI ZONE, AMRAVATI**
'Vidyut Bhavan', Shivaji Nagar, Amravati: 444603, Tel. No. 0721 2551158

Dt: 22-02-2019

ORDER

Case No. 30/2018 Dated 26-12-2019

In the matter of grievance pertaining to provide new electric connection to Ag pump and grant of compensation.

Quorum

Dr. Vishram Nilkanth Bapat, Chairman
Miss.M.H.Ade, Member Secretary
Sau. Sushama Joshi, Member (CPO)

Complainant

Shri Vishwas Uttamrao Dande
Dhawalsari, Vitthalwadi, Sai nagar,
Daryapur, Dist: Amravati
Consumer No: 364770001732

Versus

Respondent

The Executive Engineer ,
MSEDCL, O&M Division,
Amravati Rural

Appearances:-

Complainant Representative :- Shri Vishwas Uttamrao Dande

Respondent Representative :- Not present.

Being aggrieved by IGRC, Amravati's Order Dt. 15.10.2018 applicant complainant approached to CGRF, Amravati under clause 6.4 of MERC (CGRF & OMBUDSMAN) Regulations 2006, for redressal of his grievance on Dt 26.12.2018 and filed his complaint as Case No 30/2018.

The complainant submits his grievance as under:

As per Complainant's complaint and verbal submission during hearing before the Forum, Complainant submitted that:-

- 1) Applicant submitted application for new connection for his Ag pump in L.S.No 30/2, Mouja- Dhawalsari, Tq.- Nandgaon Khandeshwar to NA MSEDCL in April 2016 and as per demand note issued by NA MSEDCL, necessary charges of Rs 5100 /-for new connection were paid on 21.11.2016.
- 2) Then applicant repeatedly made verbal follow up with authorities of NA MSEDCL for release of new connection and on Dt 31.05.18 and 13.07.18 submitted letters to NA MSEDCL for release of connection with immediate effect and pointed out that NA is not following deadlines for release of new connection as laid down in SOP of MERC and thus violating SOP regulations. Due to non release of Ag connection, applicant has faced financial loss of Rs 4,00,000/- for which NA MSEDCL is solely responsible.
- 3) The applicant complainant has contended that, MSEDCL has not maintained the chronology to release Ag connections and has released connections to consumers who have applied much later than the complainant
- 4) Due to non release of Ag connection within three months from date of application and after complying all formalities as per rules, applicant has filed his complaint to IGRC, IGRC passed the order on Dt 15.10.2018. Aggrieved by the IGRC Amravati's order the applicant has filed his complaint to Hon'ble. Forum.

Prayer of the complainant before the Forum:

- i) Direct NA MSEDCL to release his Ag connection immediately.
- ii) Direct NA MSEDCL to pay SOP compensation for non release of New Ag connection to the applicant
- iii) Impose cost on NA MSEDCL towards financial loss.

The case was admitted to the Forum on date 26.12.18 and a copy of the grievance was forwarded on date 28.12.18 to the Nodal Officer, MSEDCL, Amravati Rural Division for submitting para-wise reply to the Forum on the grievance within 15 days under intimation to the complainant. However N.A. MSEDCL has failed to file the reply before the Forum. Neither the Nodal Officer of N.A.MSEDCL nor his authorized representative were present during the scheduled hearing dated 31.01.19. However Shri Patil, Dy.E.E. Badnera sub division presented himself before the Forum as N.A. representative. Shri Patil did not have any authority letter as well as N.A.'s reply in reference to the case 30/2018.

Therefore in absence of any authority letter, C.G.R.F preferred not to entertain Shri Patil as N.A. representative and hence the Forum decided to hear the case ex-parte. The complainant has contended that N.A.MSEDCL has not followed the chronology in releasing supply to Ag consumers in Mouza Dhawalsari and to ascertain the facts of the case as contended by the complainant Shri Vishwas Dande, the Forum had asked the N.A. to submit the chronology list of the pending applications from April 2016 till the date of hearing i.e 31.01.2019, in respect of Badnera sub-division through a written communication dated 31.01.19. N.A. submitted such a list on 31-01-2019 but without information on status of connection released or otherwise. Hence the NA was again asked by the forum on 20-2-2019 to resubmit the chronology list with the status. This forum received the desired list on 20-02-2019.

On going through the records placed before the forum, the forum finds substance in the grievance of the complainant. The Forum wish to express its utter displeasure about the grossly indifferent response from the non applicant MSEDCL with regard to the grievance in this case. The N.A. chose to simply ignore the significance and seriousness of the CGRF proceedings and did not bother to file reply and plead the case before the forum. To add fuel to fire, the NA orally informed some Dy.EE on phone at the eleventh hour to attend the hearing without any reply and any authority therefor. The Forum feels that the higher authorities need to take serious cognizance of such an insensitivity on part of NA MSEDCL which has been observed quite often. Such an attitude causes damage to the reputation of the organization in addition to financial loss arising out of poor pleading in the cases.

This Forum finds that complainant had filed complaint before CGRF after being aggrieved by the decision of IGRC dated 15.10.2018. Applicant has paid necessary charges for release of New Ag connection on 21.11.2016 and NA MSEDCL has failed to provide electric connection to the complainant till the date of this hearing.

Forum is of the view that after paying demand charges, the complainant is legitimately entitled for release of connection within the specified time frame as specified in the SOP regulations. The NA has clearly failed in this obligation and has not released the connection even to date.

In the light of the clause 4.8 of Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensees, Period for Giving Supply and Determination of compensation) Regulations, 2014, the NA was supposed to release the connection within 3 months of completed application and payment of requisite charges i.e. upto 20-02-2017. From the chronology list submitted by the NA on Forum's specific demand, it appears that the complainant Shri Vishwas Uttamrao Dande has not been released the connection till 20-02-2019. Hence Forum finds the demand of SOP compensation by the complainant justified.

Thus SOP compensation demand should be decided on the basis of Regulation 12.1 of Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014. The applicant demands SOP compensation only in his application to this forum which was received in the Forum office on 26-12-2018. Therefore this Forum feels that as the cause of action is still continuing, the complainant is entitled to SOP compensation at Rs.100/- per week from 26-10-2018 till the date of actual release of connection. This additional burden of SOP compensation is an avoidable loss to public money that the NA holds. Hence the same should be recovered from the officers of NA who are responsible for this delay.

The applicant has also demanded the compensation against the loss of crops he incurred due to non availability of the electric supply to his Ag pump. However the Forum is of the view that in the absence of any authentic assessment of the crop loss, cognizance of this demand cannot be taken.

With above facts and observations, this Forum proceeds to pass the following order unanimously:-

ORDER

- 1) The Complaint No. 30/2018 is hereby partly allowed.
- 2) The Respondent Licensee, MSEDCL is directed to provide electric supply to the Ag connection of the complainant within 15 days from the date of this order.

- 3) It is directed to NA MSEDCL to pay compensation to applicant @ Rs.100/- per week from 26-10-2018 till the date of actually providing electric connection.
- 4) NA MSEDCL is directed to recover the amount of compensation so paid to the complainant from the MSEDCL officer who is responsible for this loss to public money, after due enquiry in this behalf.
- 5) Compliance report of this order be submitted within period of one month from date of receipt of this order.
- 6) No order as to cost.

Sd/-
(M.H.Ade)
Member Secretary

Sd/-
(Smt.S.P.Joshi)
Member (CPO)

Sd/-
(Dr.V.N.Bapat)
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, Shrikripa, Vijai Nagar, Chhaoni,
Nagpur- 440013.