

1) On being aggrieved by the fact of not providing any remedy by IGRC Washim on grievance complaint dated 18.09.2018, the complainant approached this Forum under section 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) The complainant's case in brief is that complainant applied for new electric connection of 201 HP (150 KW) on 18.08.2018 at Medshi tq. Malegaon for industrial purpose of Stone crusher to NA MSEDCL mentioning duty and responsibility of M.S.E.D.C.L for providing infrastructure for new connection as per section 42 of E. A. 2003 read with MERC order for schedule of charges in case no. 19 of 2012. According to complainant the appeal filed before Apex Court by NA MSEDCL to recover infrastructure cost from prospective consumers is dismissed by Supreme court by order dated 10.11.2016 in civil appeal no. 4305 of 2007. According to complainant concern SDO of MSEDCL issued demand note in violation of law, mentioning estimate sanction under DDF scheme showing recovery of supervision charges Rs. 9077/- with GST 1634/- which was not acceptable to complainant, being violation of regulation 18 of supply code 2005 notified by MERC on 20.01.2005 in compliance of section 50 of E. A. 2003. According to complainant said demand note issued by NA MSEDCL is illegal as it violates, the principle laid down by MERC in case no. 56 of 2003 for applicability of 'DDF' and violates the principle laid down by MERC in recovery of schedule of charges as approved in case no. 19 of 2012 and hence grievance complaint was lodged with IGRC Washim on 18.09.2018, for revision of demand note under Non DDF scheme and early release of connection as per commercial circular no. 240 issued by NA MSEDCL read with SOP regulation 2014. According to complainant NA MSEDCL issued revised demand note on 21.09.2018 and charges amounting to Rs. 2,14,200/- were paid on 08.10.2018 for which receipt was issued on 01.11.2018 and recovered GST at 18% in cash amounting Rs. 2376.00/- on SCC Rs. 13000/-. According to complainant GST is included as VAT, in schedule of charges of Rs. 13000/- and hence recovery is illegal. Complainant prays for release of connection within 10 days and SOP compensation for delay in issuing demand note and release of connection at Rs. 100/- per week for both the failures separately. Complainant annexed IGRC letter no. 2250, copy of A-1 form with documents, copy of schedule of charges, Apex court order in civil appeal no. 4305 of 2007, demand note dated 10.09.2018 and 21.09.2018, paid receipt and commercial circular no. 240 dated 02.05.2015 alongwith the complaint.

3) Reply came to be filed by NA MSEDCL belatedly on 15.04.2019. According to NA MSEDCL the application of complainant for new industrial connection of 201 HP dated 18.08.2018 is not denied. According to NA MSEDCL the implementation of Non-DDF CCRF Scheme is stopped with immediate effect as per corporate office directives issued vide CE/Dist/D.III/Non-DDF stoppage/ 9245 dated 23.04.2018. According to NA MSEDCL as demand note issued by sub divisional officer not included 1.3% supervision and GST, it was added and issued to complainant. According to NA MSEDCL fresh guidelines are issued by corporate office of MSEDCL for infrastructure development and new connection issued vide CE/Dist/Circular/10992 dated 15.05.2018, according to which land for DTC has to be provided by complainant on lease, at Rs. 1 for 99 year and budget required for development will be made available after preparation of DPR/Scheme and work will be executed by MSEDCL by tendering procedure on partial turnkey basis. According to NA MSEDCL complainant was intimated by letter Dy.EE/Malegaon/land/DTC/099 dated 26.03.2019 with reminder on e-mail dated 12.04.2019 to provide land for DTC with lease document. According to NA MSEDCL as complainant failed to provide land and execution of lease, the work could not be executed and SOP is not payable. NA MSEDCL Annexed circular CE/Dist/9245 dated 23.04.2018, CE/Dist/14747 dated 15.06.2018, CE/Dist/10992 dated 15.05.2018 and Dy.EE Malegaon letter no/099 dated 26.03.2019 along with the reply.

4) Shri Ashish S. Chandarana learned representative for complainant and Shri A. S. Jiwnani, Dy. Executive Engineer, MSEDCL, Malegaon were present for the hearing held on 08.05.2019. Shri Ashish S. Chandarana brought to the notice of Forum, the contents of application for new connection dated 18.08.2018 addressed to SDO Malegaon for processing the new connection under Non-DDF scheme with remark 'Infra to be provided by MSEDCL as per MERC case no. 70 of 2005, 56 of 2007 supreme court order in Appeal no. 20340 of 2007'. Shri Ashish S. Chandarana referred circular 240 dated 02.05.2015 and brought to the notice of Forum that only 8 days are provided for sanctioning the load for new connection and 15 days for releasing new connection and the contents of circular no. 240 dated 02.05.2015 are binding on MSEDCL to implement. Shri Ashish S. Chandarana brought to the notice of Forum that the letter DyEE/Malegaon/099 dated 26.03.2019 is not received to complainant and document is prepared to justify the delay and defend the complaint and purposely shown as issued, after grievance is filed with CGRF Akola. Shri Ashish S. Chandarana brought to the notice of Forum that the guidelines issued by MSEDCL

vide circular no. 10992 dated 15.05.2018 are not applicable for estimates sanctioned prior to 01.10.2018 and NA MSEDCL did not intimate complainant about land or lease at the time of survey and sanctioning estimate. Shri Ashish S. Chandarana brought to the notice of Forum that NA MSEDCL have not acted even as per corporate office circular 10992 dated 15.05.2018 and DPR is not prepared or registered electrical contractors are not empanelled yet by NA MSEDCL and requested Forum to direct NA MSEDCL to file on record these documents to bring the facts on record. Shri Ashish S. Chandarana learned representative for Forum requested Forum to direct MSEDCL to release connection within 10 days with SOP compensation for delay in issuing quotation and connection.

5) Shri A. S. Jiwnani, Dy. Executive Engineer, Malegaon for MSEDCL relied on the reply filed on record and reiterated that infrastructure work will commence after providing land by complainant subject to availability of funds and execution of partial turnkey work by contractor to release new connection.

6) Forum in order to bring the facts on record directed NA MSEDCL to file on record DPR prepared by Washim circle and list of electrical contractors empanelled for two years as per guidelines of circular no. 10992 dated 15.05.2018 on or before 13.05.2019.

7) Despite directives from Forum issued as per the provisions of MERC CGRF Regulation 2006 to bring the facts on record, NA MSEDCL did not file (1) DPR submitted to implement new procedure for new connection and (2) list of electrical contractors empanelled for two years by NA MSEDCL.

8) Having heard the parties and after considering material placed on record, Forum is of the view that NA MSEDCL have delayed the release of new connection by violating their own circular no. 240 dated 02.05.2016, supply code regulation 2005 with SOP regulation 2014. Forum finds no substance in the defence of NA MSEDCL that connection is delayed as complainant did not provide land for DTC required as per MSEDCL circular no. 10992 dated 15.05.2018 because the contents of the circular are effective from 1st October 2018 and estimate for infrastructure erection is sanctioned in Sept 2018. Forum is of the view that demand for lease of land was not intimated to complainant after inspection of site and before sanctioning estimate and letter issued by Dy. Executive Engineer, Malegaon on 25.03.2019 is afterthought defence taken by

NA MSEDCL, which is not received to complainant and MSEDCL representative deposing at the time of hearing to have issued letter no. Dy.EE/Malegaon/099 dated 25.03.2019 to M/S National stone crusher at Medshi when document filed on record showing despatch of letter to Mr. Ashish S. Chandarana. NA MSEDCL defence to release connection as per DPR and budget provision and allotment of work to empanelled electrical contractor is nothing but a farce as no such DPR or list of empanelled electrical contractor is filed on record even after directions from CGRF. Forum is of the view that though the contents of circular no. 240 dated 02.05.2015 are binding in respect of time period for sanctioning the estimate and release of connection on the part of NA MSEDCL, the complainant is entitled for SOP Compensation as per SOP Regulation 2014. Forum is of the view that complainant is entitled for SOP Compensation from 25.01.2019 as claimed before CGRF on 25.03.2019 for delay in releasing electric connection beyond three months till connection is released. Forum is of the view that NA MSEDCL should be directed to release electric connection within 15 days of this order. The claim for SOP for delay in issuing quotation is time barred and disallowed though the demand note is delayed by NA MSEDCL .

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

ORDER

1. That the Complaint No. 13/2019 Dated 25/03/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to release electric connection of 201 HP for industrial purpose to M/S National stone crusher within 15 days of this order.
3. That the NA MSEDCL is directed to compensate complainant by SOP compensation for delay in releasing the connection at Rs. 100 per week from 25.01.2019 till release of connection as per this order and adjust the amount in the first energy bill payable by the complainant.
4. That the parties to bear their own cost.
5. That the NA MSEDCL is directed to submit compliance report to this Forum 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/113

Dt:- 21.05.2019

To,
The Nodal Officer
Executive Engineer,
MSEDCL, O. & M.
Washim Division.

The order passed on **21.05.2019** in the Complaint No. **13/2019** is enclosed herewith for further compliance and necessary action.

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

Copy s.w.r. to:-

- 1) Chief Engineer, MSEDCL, Akola Zone, Akola.
- 2) Superintending Engineer MSEDCL, O. & M. Circle, Washim.

Copy to :-

- 1) M/S National Stone Crusher, through Shri Abdul Rehman Shaikh Qayyum at Gut no. 160, 164, Mouje Medshi II Tq. Malegaon, dist Washim, % Shri Ashish S. Chandarana, flat no.305, Satguru villa Apartment, Sahkar nagar, Gorakshan Road, Akola - 444004.