



### **The Complainant submits the grievance as under**

- 1) On being aggrieved by the fact of not providing any remedy by IGRC Akola on grievance complaint dated 22.01.2019, the complainant M/S Geeta Udyog Akola approached this Forum on 25.03.2019 under section 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.
- 2) Complainant's case in brief is that complainant is industrial consumer of NA MSEDCL at MIDC Akola and applied for extension in load upto 201 HP on 10.01.2019. According to complainant they are entitled for load extension after payment of schedule of charges as per section 43 of E. A. 2003 read with SOP regulation 2014 and NA MSEDCL is bound by commercial circular no. 240 issued by their corporate office to inspect site within 3 days, issue demand note within 10 days and thereafter release connection with 15 days. According to complainant since inspection has not been carried out within stipulated period, the grievance complaint was lodged with IGRC Akola on 22.01.2019. According to complainant demand note for Rs. 1,02,268.00/- was issued by NA MSEDCL on 30.01.2019 and paid on 31.01.2019. According to complainant, it was mandatory on the part of NA MSEDCL to release extended load upto 10.02.2019 and since load is not released, they are entitled for SOP compensation for delay in releasing load. Complainant annexed copy of IGRC letter no. 0391 dated 24.01.2019, demand note, paid online receipt, MSEDCL letter no. 1117 dated 14.03.2019 and copy of commercial circular no. 240 dated 02.05.2015 alongwith the complaint.

### **Prayer by Complainant**

- a. Release of supply within 15 days.
- b. SOP compensation for delay in release of connection.
- c. Any other relief Hon. CGRF may deem fit.

### **Non-Applicant MSEDCL submits its reply as under :-**

- 3) Reply came to be filed by NA MSEDCL on 10.04.2019.
- 4) It is admitted fact that complainant applied for load augmentation on 10.01.2019.
- 5) To cater new load, the infrastructure work of installation of 200 KVA transformer is to be executed, which amounts to commissioning of new substation within the meaning of section 2 (69) of E. A. 2003. According to which "substation means a station for transforming or converting electricity for the

transmission or distribution thereof and includes transformer, converters, switchgears, capacitors, synchronous condenser, structures, cable and other equipment and any building used for the purpose and site thereof”.

6) E. O. Mumbai considered distribution transformer as substation in the order passed on 30.08.2013 in representation no. 66 of 2013 and hence transformer will be installed at the earliest.

7) Commercial circular 240 issued by corporate office of MSEDCL is for only guidelines and internal communication and hence violation of circular no. 240 cannot be a grievance as per regulation 2(1) of MERC regulation and hence CGRF has no jurisdiction to entertain this complaint.

8) SOP regulation provides time limit of 1 year for installation of distribution transformer and there cannot be grievance for violation of time limit prescribed in departmental circular no. 240.

#### **Prayer by the Non-Applicant**

- a. The complaint may please be dismissed for want of jurisdiction.
- b. To dispose of the complaint as not grievance within the meaning of regulation.
- c. Claim for SOP may please be rejected as no delay.
- d. Complainant be saddled of the cost for unnecessary litigation.

#### **During the course of hearing held on 8-5-2019 :-**

During the hearing, Mr. Ashish Chandarana represented the complainant and NA MSEDCL was represented by Mr. P. R. Dani, Executive Engineer, Akola Urban Division, Akola, along with Shri Sunil P. Upadhye, Law Officer of NA MSEDCL.

The Forum is compelled to pass a remark here about the indifferent attitude of the respondent Nodal Officer, when he was asked to be present in person before the Forum. The Forum observed that the Nodal Officer (EE, Akola Urban Division) kept evading to appear before the Forum despite of being in the same premises, where hearing chamber was located. The hearing had to differed twice for want of his presence.

#### **Additional written note of argument by the Complainant says as under:-**

1. The definition of Substation referred by the NA is based on **repealed** MERC SOP Regulations 2005, which has been since revised as MERC SOP Regulations 2014 and is in force with regard to this case. The EO order referred by NA is also based on the same repealed SOP Regulation 2005. Hence the argument does not sustain.

2. Regulation 4.8 of SOP Regulations 2014, sets the time limit of 3 months for augmentation of distribution transformer substation.
3. The progress in case of present applicant is at advance stage as evidenced by an extract copy of the published tender scope as placed on record by the applicant in which the applicants work has been included. The respondent has suppressed this factual information on the status of progress in respect of the applicant and has kept giving excuses for delay in releasing the connection to the applicant.
4. The NA is deliberately misinterpreting the definition of grievance and trying to plead that the complaint in present case does not constitute grievance. This is false interpretation by the non-applicant and complainant's case is fit to be called grievance under Regulation 2(c) of MERC (CGRF & EO) Regulations 2006. Even otherwise, the complaint here constitutes grievance under section 173 of IE Act 2003 (Inconsistency in Laws).
5. The claim of the NA that the Commercial Circular No. 240 dated 02-05-2015 is internal circular and hence cannot be referred as a basis for grievance, is not correct as the same circular is an outcome of the State Government directives and hence is binding under section 108 of EA 2003. Further MERC has issued Practice Direction under the head, **Reducing Processes and Time for Releasing New Connection** (copy placed before Forum). This document further reduces the time period of Circular 240 from 1 month to 15 days.
6. Further Govt. of Maharashtra has put up this circular No. 240 on its official web portal **MAITRI** as a reference document. Thus it can not be treated as internal document of NA MSEDCL and is binding on them. Thus EE Akola is trying to mislead the Forum in this matter.

**The Forum opines as under:-**

- a. The approach of the Nodal Officer with regard to Forum Proceedings was found to be utterly disappointing.
- b. Upon questioning about the use of false grounds for defending and suppression of the facts in the case, the Nodal officer offered unconditional verbal apology before the Forum in response.
- c. The Forum finds substance in the argument of the Applicant that their case constitutes a due grievance.
- d. Upon examining all the facts on record, NA MSEDCL agreed to the applicant's prayer for early release (within 15 days) of connection to the applicant.

e. The Forum also finds merit in the demand for SOP compensation for delay in release of connection as per MERC SOP Regulations 2014.

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

### **ORDER**

1. That the Complaint No. 14/2019 Dated 25/03/2019 is hereby partly allowed.
2. That NA MSEDCL is directed to release the connection to the applicant within 15 days of this order.
3. That NA MSEDCL is directed to pay SOP compensation at Rs. 100/- per week or part thereof from 25-01-2019 till the actual release of the connection and it should be adjusted in the ensuing bill to the applicant. The loss of revenue resulting from this SOP compensation being paid be recovered from the concerned erring officer after due enquiry in this behalf.
4. That 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:- 0712-259667.

No. CGRF/AKZ/Akola/115

Dt:- 21.05.2019

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

The order passed on **21.05.2019** in the Complaint No. **14/2019** 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, Akola.

***Copy to :-***

- 1) M/S Geeta Udyog Akola, plot no. J 42 phase 3 MIDC Akola, % Shri Ashish S. Chandarana, flat no.305, Satguru villa Apartment, Sahkar nagar, Gorakshan Road, Akola - 444004.