

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redresses Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF(NZ)/135/2018**

Applicant : Shri Rajkumar Shambhulal Mahule,  
House No.502, Loharpura,  
C.A. Road, Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(D/F), NUC, M.S.E.D.C.L.,  
Nagpur.

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Applicant represented by : In Person,  
Non-applicant represented by: 1) Shri V.R. Sonkusle, Exe.Engr.,  
MSEDCL,  
2) Shri Dahasahastra, SNDL, Nagpur

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Quorum Present : 1) Shri Arvind Jayram Rohee,  
Chairperson.  
2) Mrs. V.N.Parihar,  
Member Secretary  
3) Mrs. Asmita Avinash Prabhune,  
Member(CPO)

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**ORDER PASSED ON 13.03.2019**

1) The applicant through his representative Shri Sunil Jacob approached this Forum under clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, since aggrieved by the Order dated 30.11.2018 passed by IGRC in Case No. 0505/2018, directing the Commercial Manager to recover Rs.6125/- towards outstanding P.D. dues from the applicant and then process his application for sanction of new energy connection for his residential premises.

2) The applicant applied for getting new energy connection vide Application No.6169899431. His application was rejected for P.D. arrears of Rs.11335/- against the old P.D. Consumer No. 410011652411 on the same premises in the name of Shri Kisanlal Mahule (now deceased). It appears that the matter was taken to Permanent Lok Adalat, Nagpur in Case No.08/2016 for amicable settlement between the parties Vide Award dated 11.08.2017, the Permanent Lok Adalat successfully convinced the parties for amicable settlement and the terms were settled as under.

“The respondent shall pay Rs.10,839/- in toto towards electricity charges due till July 2017 in installment to the claimant.

The respondent shall pay 1<sup>st</sup> instalment of Rs.5,839/- on or before 30.08.2017 and pay further instalment of Rs.5,000/- on or before 30.09.2017 to the claimant.

If the respondent fails to pay any instalments then shall be liable to pay interest @ 18% P.A. on outstanding due amount to the claimant and the claimant is at liberty to disconnect electric supply of respondent.

The original consumer Kisanlal Mahule is no more, hence the applicant shall give new electric meter in the name of Rajkumar Shambulal Mahule within 30 days from the date of receipt of 1<sup>st</sup> instalment from respondent by adopting due procedure.”

3) It is stated that in compliance of the aforesaid Award dated 11.08.2017, the applicant deposited 1<sup>st</sup> installment of Rs.5839/- on 30.08.2017 and thereafter waited for installation of new energy meter on his premises. However, it was not sanctioned nor installed. The applicant then approached IGRC for redressal of his grievance. Vide order dated 30.11.2018. IGRC found that the P.D. arrears were on the same premises which were amicably reduced by the parties to the extent of Rs.10839/- (instead of Rs.11335/-) before Permanent Lok Adalat. Since the applicant failed to pay the 2<sup>nd</sup> installment of Rs.5000/-, as per Award dated 11.08.2017, IGRC calculated the accrued interest thereon and called upon the applicant to credit the amount of Rs.5000/- plus Rs.1125/- from 01.09.2017 to 30.11.2018, in all Rs.6125/-, so that further steps can be taken for installation of new energy connection on his premises. The applicant accordingly deposited Rs.6125/- in the Office of the Non applicant on 25.12.2018. The record shows that thereafter Demand Note was issued on 29.01.2019 and new electric meter is installed on 18.02.2019.

4) The applicant, therefore, prayed for compensation of Rs.10,000/- for mental and physical harassment caused to him for failing to grant new energy connection immediately on deposit of 1<sup>st</sup> installment by him as per Award dated 11.08.2017.

5) The non applicant vide reply dated 23.01.2019 denied the claim of the applicant for compensation on the ground that they are prepared to comply with the order passed by the IGRC.

6) When the matter is taken up for final hearing on 06.03.2019, heard the applicant's representative and the reply arguments of Shri V.R.Sonkusle, Executive Engineer, MSEDCL assisted by Shri Dahasahastra of SNDL. We have carefully perused the case record.

7) It is obvious from record that the Non applicant failed to provide new energy connection to the applicant on payment of 1<sup>st</sup> installment of Rs.5839/- as part of P.D. arrears. It is obvious that the Officials of Non applicant have not correctly followed the Award by which it is specifically directed that the new energy connection shall be given to the applicant within 30 days from the date of deposit of 1<sup>st</sup> installment by him. This period expired on 30.09.2017, which was also the last date for the applicant to pay the 2<sup>nd</sup> installment of Rs.5000/- towards full satisfaction of P.D. arrears, which was finally paid by the applicant on 25.12.2018, along with interest. There is nothing in the Award to show that after deposit of the 1<sup>st</sup> installment, in case of breach of directions to give the new energy connection the applicant will not be liable to pay the 2<sup>nd</sup> installment. It is thus obvious that both the parties have committed breach of the terms of the Award. We, however, observe that the

inaction on the part of the Non applicant is not deliberate or wilfull, but occurred through oversight by not carefully considering the terms of Award.

8) From the above discussion it is obvious that there was delay in processing the request of the applicant. As per the provision MERC (Standard of Performance) Regulations 2014 for delay in Non Agricultural installation compensation of Rs.100/- per week can be allowed. However, the applicant has not specifically claimed this compensation in his grievance application before this forum and restricted his claim for compensation for mental and physical harassment only. We are of the considered view that he is justified in claiming it, however, not to the extent of Rs.10,000/- as claimed by him in absence of particulars/ justification for it. Hence, we quantify the amount for mental and physical torture to the extent of Rs.1000/- (One thousand) only to give some relief to the applicant.

9) During the course of arguments, the applicant prayed for taking penal action against the non applicant for breach of the terms of the Award, since, obviously the electric connection was not sanctioned within one month from the date of deposit of 1<sup>st</sup> installment of P.D. arrears. However, this forum is not competent to initiate such action against the Non applicant/SNDL, since it will be beyond its jurisdiction and the applicant will be at liberty to approach the Permanent Lok Adalat, Nagpur for taking appropriate action against MSEDCL/SNDL, if he so desires, in accordance with Law.

10) In view of above, the Non Applicant is held liable to pay compensation of Rs.1000/- only to the applicant for physical and mental harassment, which shall be adjusted in the electric bills from the month of April 2019 onwards. Credit as above be given to the applicant till the entire amount of Rs.1000/- is adjusted.

11) The Grievance application stands disposed of with the aforesaid directions with no order as to cost.

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| Sd/-<br><b>(Mrs. Asmita A. Prabhune)</b><br>MEMBER(CPO) | Sd/-<br><b>(Mrs. V.N.Parihar)</b><br>MEMBER SECRETARY | Sd/-<br><b>(Arvind J. Rohee)</b><br>CHAIRPERSON |
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