

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

Case No. CGRF(NZ)/45/2019

Applicant : Smt.Archana Sanjayrao Kambale
At.Sirasgaon, Taluka Hinganghat,
Dist. Wardha

V/s

Non-applicant : Nodal Officer,
The Executive Engineer,
Hinganghat Dn. M.S.E.D.C.L.,
Hinganghat.

Applicant represented by : Shri B.V. Betal.
Non-applicant represented by: 1) Shri H.P. Pawade,.Exe.Engr.,
MSEDCL, Hinganghat.

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

ORDER PASSED ON 31.05.2019

1) The applicant approached this Forum under clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations 2006, since his claim for compensation for delay in releasing new electric connection of 5 HP for Agricultural Pump is rejected firstly by the Commercial Manager and thereafter by IGRC vide order dated 05.04.2019.

2) The applicant is a cultivator having landed property bearing Survey No.23, 1H85 R at Mouza Sirasgaon in Hinganghat Tahsil of Wardha District. On 12.02.2018 he applied to the Distribution Licensee for grant of new electric connection of 5 HP Agricultural Pump by conventional mode i.e. under High Voltage Distribution System (HVDS). The Demand Note dated 12.03.2018 is issued and the applicant credited the requisite amount on 03.04.2018. On the same date Test Report is submitted. However, the new electric connection for taking irrigated crop from the adjacent river water is not given till today. She, therefore, approached IGRC on 08.02.2019 seeking compensation of Rs.15000/- for delay in releasing the electric connection, Rs.10,000/- for physical & mental harassment, Rs.3000/- towards travelling expenses & Rs.2000/- for court expenses.

3) IGRC vide order dated 05.04.2019 rejected the claim as barred by limitation by virtue of the provisions of clause 12.2 of MERC Regulations 2014, since she failed to approach IGRC within 60 days from the date of accrual of cause of action i.e. before 03.09.2018, where as she in fact approached on 08.02.2019. However, a direction is issued to provide new electric connection under Chief Minister's Solar Energy Scheme.

4) Aggrieved by the aforesaid order the applicant approached this forum in the present Grievance Application on 15.04.2019.

5) On notice the Non-applicant appeared and vide reply dated 24.05.2019 resisted the application and supported the stand taken before IGRC and the order passed by the said authority. A reference to State Government Regulation dated 15.11.2018 and 01.01.2019 is also made under which new electric connection to the farmer consumers is to be granted under Solar Energy Scheme.

6) On 28.05.2019 when the matter was called out for final hearing, heard Shri B.V. Betal the authorized representative of the applicant and the reply arguments of Shri H.P. Pawade, Executive Engineer, Hinganghat Division. We have carefully perused the case record.

7) It is obvious that there is no facility of well irrigation in the field of the applicant, hence she applied for new electric connection for getting water from adjacent river Yashoda. It is true that as per rules after submitting application, new electric connection should have been released within 90 days from the date of deposit of Demand Note amount, i.e. till 03.07.2018 in present case, since it is not so released. As such cause of action to claim compensation arose thereafter for delay in granting the electric connection. As per rules 60 days period was available to the applicant to approach IGRC i.e. till 03.09.2018 to claim

compensation. However, as stated earlier she approached on 08.02.2019. As such the claim for compensation is rightly rejected by IGRC as barred by limitation.

8) It is however, obvious that since the applicant's application for grant of new electric connection is pending, it will have to be considered. However, in mean time the Government took a decision to grant Solar Energy Connection only and not by conventional mode under the Two Government Resolutions referred above. There is however, one exception under the aforesaid Government Resolution to the effect that, if the amount of Demand Note is credited before 31.03.2018 and for conventional mode and H.T. cable is required for a distance upto 600 mtrs. only till the agricultural field of the consumer, in that case only new electric connection by conventional mode should be granted, in other words, in all other cases Solar Energy Connection only should be granted.

9) As stated earlier the applicant intend to take the Solar connection for lifting the river water and carry it to his field, since there is no well facility in her field. However, for this purpose as stated by the Non-applicant the catchment area of the river will have to be excluded and the panel for Solar Energy Connection can be installed only across the riverbed and in case the field of the

consumer is not immediately adjacent to the river, consent of other field owners for laying pipeline from the panel of Solar Energy Connection through portion of their field will have to be obtained. In this case, since Solar Energy Connection only can be granted the applicant will have to comply with the necessary formalities.

10) During the course of arguments the applicant's representative submitted that a direction be issued to the Non-applicant to pay the damages in case of loss or damage to solar panel due to river flood or by any vis-major (Act of God). However, in this respect it is submitted on behalf of the Non-applicant that on erection of solar panel, it will be insured under which there is 5 years Guarantee of equipment and 15 years for maintenance of solar panel. It is also stated that MSEDCL will bear the requisite premium and the consumer is not required to pay the same. So the interest of the consumer is sufficiently protected through the insurance to make good any loss to the solar panel in the event of any damage for any reason.

11) From the above discussion, it is crystal clear that the applicant has no case for seeking compensation and Non-applicant is directed to consider her case for grant of Solar Energy Connection as per rules and as directed by IGRC. The applicant is also directed to submit online application to the Non-applicant for grant of Solar Energy Connection and the amount of Demand Note

for conventional mode already credited by the applicant shall be adjusted towards the Demand Note of Solar Energy Connection to be issued to the applicant on completion of necessary formalities.

12) The Grievance Application is therefore, dismissed, however with the aforesaid directions.

13) Parties to bear their respective costs.

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