

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievances Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/46/2019

Applicant : Smt. Godavari Ajabrao Badwaik
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.31/3, admeasuring 1H.11R at Mouza Sirasgaon in Hinganghat Tahsil of Wardha District. On 12.01.2018 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). She received Demand Note from Non-applicant on 20.03.2018 and then credited the requisite amount on 09.04.2018. On the same day Test Report is submitted. However, the new electric connection for taking irrigated crop from the adjacent river water is not released 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, as per the provisions of clause 12.1 of MERC (Standard of Performance) Regulations 2014.

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 (Standard of Performance) Regulations 2014. Since she failed to approach IGRC within 60 days from the date of accrual of cause of action i.e. before 08.07.2018, where 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 claim and supported the stand taken before IGRC and the order passed by the said authority. A reference to State Government Regulations 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 is 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 by Conventional mode i.e. under HVDS Scheme. It is true that as per rules after submitting application, new electric connection should be released within 90 days from the date of deposit of amount of Demand Note i.e. till 09.07.2018, in present case. Since it is not so released, 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, for which there is no provision for condonation of delay on any ground whatsoever.

8) It is however, obvious that since the applicant's application for grant of new electric connection under HVDS Scheme is pending, it will have to be considered. In the mean time the Government took a decision to grant Solar Energy Connection only in field property and not under conventional mode as per 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 H.T. cable is required for a distance of less than 600 mtrs. from the nearest pole 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 can be granted.

9) As stated by applicant's representative, she now intends to take Solar connection for lifting the river water and to carry it to her field, since there is no well facility in her field. However, for this purpose as stated by the Non-applicant the area of river bed 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 intended field consumer is not immediately adjacent to the river bed, then consent of other field owners for laying pipeline from the panel of Solar Energy Connection through portion of their field property till applicant's field also will have to be obtained. Since Solar Energy Connection only can be granted, the applicant will have to comply with the above 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 under Insurance cover, 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 amount of the premium and the consumer is not required to pay the same. As such the interest of the consumer is sufficiently protected through the insurance cover to make good any loss to the solar panel in the event of any damage caused 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 of this proceedings.

Sd/-
(Mrs. Asmita A. Prabhune)
MEMBER(CPO)

Sd/-
(Mrs. V.N.Parihar)
MEMBER SECRETARY

Sd/-
(Arvind J. Rohee)
CHAIRPERSON