

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

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**Case No. CGRF(NZ)/47/2019**

Applicant : Smt.Dayawanti Kashinath Dhanvij  
At.Sirasgaon, Taluka Hinganghat,  
Dist. Wardha

V/s

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

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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)

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**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 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 at Mouza Sirasgaon in Hinganghat Tahsil of Wardha District. On 31.01.2018 the applicant submitted application 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) Scheme. Demand Note is issued to her on 12.03.2018. The applicant credited the requisite amount on 03.04.2018. On the same day Test Report is submitted. However, new electric connection for taking irrigated crop from the adjacent river water is not issued till today. She, therefore, approached IGRC on 08.02.2019 for immediate release of new connection and for seeking compensation of Rs.15000/- for delay in releasing the electrical 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 (SOP) Regulations 2014, since she failed to approach IGRC within 60 days from the date of accrual of cause of action i.e. on or before 03.09.2018, when in fact she 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 claims and supported the stand taken before IGRC and the order passed by the said authority. A reference to State Government Resolutions 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 under certain circumstances stated therein.

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) During the course of argument it is stated by applicant that there is no facility of well irrigation in the field of the applicant, and hence he 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 be released within 90 days from the date of clearance of Demand Note i.e. till 03.07.2018 in the present case. As such cause of action to claim compensation under clause 12.1 of MERC (SOP) Regulations 2014 will arise thereafter only for delay in granting the electric connection. Further

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 IGRC 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 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 and not by conventional mode i.e. HVDS Scheme under the Two Government Resolutions referred above. There is, however, one exception under the aforesaid Government Resolutions to the effect that, if the amount of Demand Note is credited before 31.03.2018 for conventional mode or H.T. cable is required for a distance of less than 600 mtrs. only till the agricultural field of the consumer from nearest pole, 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) During hearing it is submitted by the applicant that he intends to take the Solar Energy Connection for lifting the river water and carry it to her field, since there is no well facility in his field. However, for this purpose as stated by the Non-applicant the area of the riverbed 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 prospective consumer is not immediately adjacent to the river, consent of other field owners for laying a pipeline from the panel of Solar Energy Connection through the portion of their fields 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 the event of causing 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 covered under insurance policy under which there will be 5 years Guarantee of equipment and 15 years free maintenance of solar panel. It is stated that the MSEDCL will bear the requisite amount of premium of policy and the consumer will not be required to pay anything. So the interest of the consumer is sufficiently protected under the insurance cover to make good any loss caused to the solar panel 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 rightly directed to consider his case for grant of Solar Energy Connection as per rules. The applicant is 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 him 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