

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

Case No. CGRF(NZ)/50/2019

Applicant : Shri Mohammad Amin Mohammad Mobin
At.Mahada Colony, Near Bharat School,
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 for 3 HP for Agricultural Pump is rejected firstly by the Commercial Manager and thereafter by Internal Grievances Redressal Cell vide order dated 05.04.2019.

2) The applicant who holds agricultural land at Mouza Astha in Hinganghat Tahsil of Wardha District submitted application on 09.01.2018 for release of 3HP new Agricultural Pump connection in A-1 form to the Non-applicant by conventional mode. Demand Note was issued to him within prescribed time on 20.01.2018. The applicant credited the requisite amount of Demand Note on 01.02.2018 and thereafter submitted Test Report on 20.02.2018. It is stated that although all the formalities are completed electric connection for Agricultural Pump is not released so far. He, therefore, approached IGRC in case No.19012 on 08.02.2019 for direction to release new connection immediately and for 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 for compensation as barred by limitation by virtue of proviso to clause 12.2 of MERC (Standard of Performance) Regulations 2014. However, a direction is issued to provide new connection under Chief Minister's Solar Agricultural pump Scheme and rules framed there under from time to time.

4) Aggrieved by the aforesaid order this Grievance Application is filed on 22.04.2019 on the same grounds raised before IGRC.

5) On notice the Non-applicant appeared and vide reply dated 24.05.2019 denied the claim and supported the order passed by IGRC. It is also stated that although the applicant applied for new Agricultural Pump connection by conventional mode for which HT cable is to be installed for a distance of .72 Km. i.e. 720 mtrs. from the nearest pole till his well in the field and hence although he credited the amount of Demand Note before the cut-off date 31-03-2018, Solar Energy connection only can be released to him and not under conventional mode.

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 from the provisions of MERC Supply Code that new electric connection for Agricultural Pump needs to be given within 90 days from the date of payment of Demand Note. Obviously Non-applicant failed to provide new connection within this statutory period. As such in view of the provisions of clause 12.1 of MERC (SOP) Regulations 2014, the consumer is entitled for compensation for delay in releasing the new electric connection. Thus, prima-facie, the Non-applicant is liable for compensation. However, it is not payable automatically and the applicant is

required to approach IGRC within 60 days from the date of accrual of cause of action which in the present case is 01.07.2018. However, the applicant approached IGRC on 08.02.2019 as stated earlier i.e. beyond the period of 60 days from the date of accrual of cause of action. As such claim for compensation is rightly rejected by IGRC.

8) In spite of above, since the application for grant of new Agricultural Pump connection is to be considered, the IGRC has already issued appropriate directions in view of the Government Resolutions dated 15.11.2018 and 01.01.2019 in which cut-off date is 31.03.2018 for crediting amount of Demand Note. However, since HT cable is to be laid for a distance exceeding 600 mtrs., (although the applicant made payment of Demand Note before the cut-off date 31.03.2018,) new electric connection for Agricultural Pump by conventional mode cannot be granted based on aforesaid Government Resolutions. It will have to be considered under Chief Minister's Solar Energy Scheme.

9) The Grievance Application seeking compensation is, therefore, rightly rejected by IGRC which order needs no interference. The applicant is, however, directed to apply online for grant of Solar Energy Connection to his field within one month from today and the amount of Demand Note already credited by him for Conventional Mode shall be adjusted in subsequent Demand Note for Solar Energy Connection to be issued to the applicant on completion of all the necessary formalities.

10) In the fact and circumstance of the case both the Parties are directed to bear their respective costs of this proceeding.

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

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

Sd/-
(Arvind J. Rohee)
CHAIRPERSON