

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

Case No. CGRF(NZ)/51/2019

Applicant : Shri Khusal Bhaurao Bhoskar
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.

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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)

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 Internal Grievances Redressal Cell (IGRC) vide order dated 05.04.2019.

2) The applicant is a cultivator having landed property bearing Survey No.31/2, admeasuring IH.11R at Mouza Sirasgaon in Hinganghat Tahsil at Wardha District. On 05.02.2018, The applicant applied to the Distribution Licensee for grant of new electric connection for 5 HP Agricultural Pump by conventional mode i.e. under High Voltage Distribution System (HVDS), he received Demand Note from Non-applicant on 20.02.2018. He credited the requisite amount on 03.04.2018. On the same day Test Report is also submitted. However, the new electric connection for taking irrigated crop by lifting water from the adjacent river is not released. He, therefore, approached IGRC on 08.02.2019 seeking direction to release electric connection immediately and for 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 for compensation as barred by limitation by virtue of the provisions of clause 12.2 of MERC (SOP) Regulations 2014, since he failed to approach IGRC within 60 days from the date of accrual

of cause of action i.e. before 03.09.2018, when in fact he 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 appeared this forum in the present Grievance Application on 22.04.2019.

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. Reference to the 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 only on certain contingencies.

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 he applied for new electric connection for lifting water from adjacent river Yashoda. It is true that as per rules after submitting application, new electric connection for Agricultural Pump needs to be released within

90 days from the date of crediting the amount of Demand Note i.e. till 03.07.2018 in the present case. As such cause of action to claim compensation arose thereafter on 04.07.2018 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 he approached on 08.02.2019. As such the claim for compensation is rightly rejected by IGRC as barred by limitation, in absence of any provision in Act, Rules or Regulations to condone the delay.

8) It is however, obvious that since the application for grant of new electric connection is pending, it will have to be considered. However, in the mean time the Government took a decision to grant Solar Energy Connection only and not under 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 (03.04.2018 in present case) and for conventional mode H.T. cable for a distance upto 600 mtrs. from nearest pole till the agricultural field of the consumer is required, in that event only new electric connection under conventional mode can be granted, in other words, in all other cases Solar Energy Connection only should be granted.

9) From the submissions made by applicant, it is obvious that he intends to get Solar connection for lifting the river water to carry to his field, since there is no well facility in his field. However, for this

purpose as stated by the Non-applicant the area of riverbed will have to be excluded and the panel for Solar Energy Connection can be installed only across the area of riverbed and in case the field of the consumer is not immediately adjacent to river, consent of other field owners for laying a pipeline through portion of their fields from the panel of Solar Energy Connection till his field will have to be obtained. 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 Non-applicant to give undertaking to pay the damages in case 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 solar panel to be erected will be under the cover of General Insurance, under which there is 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 and the consumer is not required to pay anything. Thus relying on aforesaid statement, it is obvious that the interest of the consumer is sufficiently protected through the insurance cover to make good any damage or loss 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 as such order of IGRC needs no interference. The applicant is also directed

to submit online application to the Non-applicant within one month for grant of Solar Energy Connection and the same will be considered by the Non-applicant as per rules. The amount of Demand Note for conventional mode already credited by the applicant shall be adjusted towards the Demand Note for 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/-	Sd/-	Sd/-
(Mrs. Asmita A. Prabhune)	(Mrs. V.N.Parihar)	(Arvind J. Rohee)
MEMBER(CPO)	MEMBER SECRETARY	CHAIRPERSON