

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“Vidyut Bhavan” Ratanlal Plot ,Akola. Tel No 0724.2434475

O R D E R

Dt:- 03.07.2019

Complaint No :- 25 of 2019 Dated 10.05.2019

**In the matter of grievance pertaining to load enhancement and SOP
compensation for delay.**

Quorum

Dr.V.N.Bapat- Chairman

Shri.D.M.Deshpande, Member (CPO)

1. M/S YOGIRAJ AGRO INDUSTRIES :- Complainant
Lohari Road Plot No - 789 LS No 148/6
Akot. Consumer no. LT V-318739063320
c/o Shri Bhavesh H. Somaiya ,
flat no.A-2/405 Rami Heritage
Society, opposite to old RTO office,
Murtizapur Road Akola-444004.

.....Vrs.....

Executive Engineer, :- Respondent
MSEDCL, O. & M.
Division Akot.

Appearances

1. Shri. Bhavesh H. Somaiya - Representative for Complainant
2. Shri. Nitin B. Rawade - Dy. Executive Engineer,
MSEDCL, Telhara.

1) On being aggrieved by the decision of IGRC Akola issued vide SE/AKL/IGRC/1367 dated 30/03/2019, the complainant approached this Forum under clause 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that M/S Yogiraj Agro Industries Akot is industrial consumer of NA MSEDCL with connected load of 80 HP. According to complainant the application for load enhancement of 201 HP was submitted to NA MSEDCL online on 10/11/2018 and as per commercial circular no. 240 dated 02/05/2015 issued by corporate office of MSEDCL it was mandatory on the part of NA MSEDCL to inspect the site within 3 days, issue demand note within 10 days and release the enhanced load within 15 days but NA MSEDCL failed to perform above activities within stipulated period and issued quotation on 11/01/2019 which is paid by complainant on 11/01/2019. According to complainant NA MSEDCL have not released requested enhanced load till filing complaint to CGRF Akola even after direction by IGRC Akola dated 30/03/2019 to release the load within 30 days. According to complainant directions given by secretary small and medium scale industries dated 08/01/2015 and practice directions issued by MERC dated 25/03/2019 are binding on NA MSEDCL whereby time period for releasing the load is reduced to 15 days and hence NA MSEDCL is liable to pay SOP compensation for delay beyond 15 days.

Complainant's prayer :

- a. Direct MSEDCL to release enhanced load within 15 days.
- b. Direct MSEDCL to pay SOP compensation for delay in releasing additional load.
- c. Any other relief which Hon'ble CGRF may deem fit considering the circumstances of the case including cost at Rs. 3000/-.

Complainant Annexed IGRC letter no. 0526 dated 01/02/2019, application dated 10/11/2018, demand note dated 03/01/2019, paid receipts dated 11/01/2019, IGRC order dated 30/03/2019 and commercial circular no. 240 dated 02/05/2015 along with the complaint.

3) Reply came to be filed by NA MSEDCL on 24/05/2019. According to NA MSEDCL it is fact on record that complainant has applied for enhanced load on 10/11/2018 and paid the charges on 11/01/2019 against sanctioned estimate and demand note dated 03/01/2019. According to NA MSEDCL the infrastructure of 100 KVA distribution transformer needs to be augmented by 200 KVA transformer and requirement of material and appointment of agency is already intimated to Superintending Engineer Akola vide letter no. EE/Akot/1140 dated 10/05/2019 and load will be released after availability of 200 KVA distribution transformer. NA MSEDCL annexed copies of

letters (1) No. 67 dated 04/01/2019 (2) No. 1140 dated 10/05/2019 addressed to the Superintending Engineer MSEDCL along with the reply.

Prayer of NA MSEDCL - Nil.

4) Shri. Bhavesh H. Somaiya learned representative for complainant and Shri. Nitin B.Rawade Dy, Executive Engineer MSEDCL Akot were present for the hearing held on 24/06/2019. Shri. Bhavesh H. Somaiya filed on record 'Practice Directions' dated 25 March 2019, issued by MERC under Electricity supply code Regulation 2005 for reducing processes and time for releasing new connections and brought to the notice of Forum that time period for releasing new load has been brought down to a maximum 15 days and NA MSEDCL have not released load even after 6 months and not even complied IGRC order dated 30/03/2019 to release load before 30/04/2019 and urged before Forum to direct MSEDCL to release the additional load within 15 days of this order with compensation for delay in releasing load.

5) Shri. Nitin B.Rawade Dy, Executive Engineer MSEDCL referred letter addressed to the Superintending Engineer MSEDCL dated 04/01/2019 and 10/05/2019 for requirement of material and appointing agency to execute the work and urged that enhanced load will be released only after availability of material from Superintending Engineer Akola.

6) Having heard the parties and after considering material placed on record Forum finds considerable force in the submission of complainant, in view of 'Practice directions' dated 30/03/2019 issued by MERC read with commercial circular no. 240 dated 02/05/2015 issued by Corporate office of MSEDCL, that MSEDCL should endeavour to release the additional load within 15 days of payment of necessary charges and of the view that failure on the part of NA MSEDCL to release additional load attracts the provision of SOP compensation at Rs. 100/- per week for delay, Forum have noted the fact that NA MSEDCL kept silent in their reply or during argument on MERC practice directions dated 30/03/2019 or commercial circular no. 240 dated 02/05/2015 and did not oppose. Forum is of the view that NA MSEDCL have not taken proactive measures required to be taken as per their own commercial circular no. 240 dated 02/05/2015 and simply tried to blame other officials of MSEDCL for not providing material in their defence and liable to pay SOP Compensation at Rs. 100/- per week from 11/04/2019 till release of additional load as per SOP Regulation 2014

wherein stipulated period for release of additional load in case of requirement of infrastructure is three months.

With these observations, Forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No. 25 of 2019 Dated 10/05/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to release the additional load within 15 days of this order.
3. That the NA MSEDCL is directed to compensate complainant at Rs. 100/- per week from 11/04/2019 till release of additional load.
4. That the NA MSEDCL is directed to recover the amount of SOP compensation from guilty officers of NA MSEDCL after due enquiry, for not taking proactive measures and causing delay in the release of additional load to complainant.
5. No order as to the cost.
6. That the NA MSEDCL is directed to submit a compliance report to this Forum within one month of this order.

S/d/-
Member (CPO)

S/d/-
Chairman

Contact details of Electricity Ombudsman appointed by
MERC (CGRF & EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar,
Chhaoni, Nagpur-440 013. Phone:- 0712-2596670

No. CGRF/AKZ/Akola/150

Dt:- 03.07.2019

To,
The Nodal Officer
Executive Engineer,
MSEDCL, O. & M.
Division Akot.

The order passed on **03/07/2019** in the Complaint No. **25 of 2019** is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola.

Copy s.w.r. to:-

- 1) Chief Engineer, MSEDCL, Akola Zone, Akola.
- 2) Superintending Engineer, MSEDCL, O. & M. Circle, Akola.

Copy to :-

M/S Yogiraj Agro Industries, Akot, c/o Shri Bhavesh H. Somaiya, flat no. A-2/405
Rami Heritage Society, opposite to old RTO office, Murtizapur Road Akola-444004.