

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

O R D E R

Dt:- 25.09.2019

Complaint No :- 40 of 2019 Dated 29.07.2019

In the matter of grievance pertaining to energy bill issued prior to connection, its cancellation and SOP Compensation for delay in releasing Agriculture connection.

Quorum

Dr.V.N.Bapat- Chairman

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

1. Shri. Digambar Laxman Wankhade :- Complainant
Gat no. 83/3 GHATPURI
Khamgaon - 444303.
Consumer No. Ag- 297160018073.

.....Vrs.....

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

Appearances

1. Shri. Pramod N. Khandagle - Representative for Complainant
2. Shri. B. U. Jaybhaye - Executive Engineer MSEDCL,
Khamgaon.

1) On being aggrieved by the decision of IGRC Buldana issued vide SE/BLD/2432 dated 17/06/2019, the complainant Shri. Digambar Laxman Wankhade from Ghatpuri, Khamgaon approached this Forum under regulation 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that complainant has applied for new Ag connection to 3 HP motor pump on 21/04/2012 to NA MSEDCL. According to NA MSEDCL necessary service connection and security deposit charges amounting Rs. 2,053/- were paid by complainant on 11/09/2012 vide MR no. 5994835 as per demand note issued by NA MSEDCL on 06/09/2012, and submitted test report on 11/09/2012. According to complainant NA MSEDCL were bound by EA 2003 and SOP Regulation to release connection within stipulated time period. According to complainant NA MSEDCL issued energy bill amounting Rs. 15,310/- for Oct. 2018 without releasing the electrical connection at site mentioning date of connection as 23/02/2013. According to complainant in anticipation of getting electric connection investment of huge amount in Teak wood plantation was incurred on 02/12/2018. According to complainant the site was inspected by NA MSEDCL on 28/05/2019 after registering complaint with IGRC Buldana on 08/05/2019 and found no electrical connection but IGRC Buldana issued defective order directing NA MSEDCL to release connection immediately ignoring prayer of setting aside energy bills issued without connection and SOP Compensation for delay in releasing connection. According to complainant the Ag. connection is released on 15/05/2019 by NA MSEDCL. According to complainant claim for SOP Compensation was first submitted before IGRC on 04/05/2019.

Complainant's Prayer

1. Direct NA MSEDCL to set aside energy bill issued without giving connection for Oct. 2018 amounting Rs. 15,310/-.
2. Direct NA MSEDCL to pay SOP compensation at Rs. 100/- per week from 11/09/2012 to 15/05/2019 for delay.
3. Direct NA MSEDCL to compensate Rs 19,980/- towards loss to crop.
4. Direct NA MSEDCL to conduct departmental enquiry and recover loss from guilty officer of NA MSEDCL as per Apex Court guidelines in Civil Appeal no. 6237/1990 in the matter between M/S Lucknow Development Authority and M. K. Gupta.

Complainant Annexed copy of IGRC order dated 17/06/2019 with complaint before IGRC dated 08/05/2019, NA MSEDCL letter dated 07/02/2019 energy bill for Sept 2018, Acknowledgement for test report dated 11/09/2012, Demand note dated 06/09/2012, energy bill to April 2019 and NA MSEDCL letter no. 1203 dated 28/05/2019 alongwith the complaint.

3) NA MSEDCL filed belated reply on email on 13/09/2019 without giving copy of reply to complainant. According to NA MSEDCL sanction to new connection of complainant for Ag. pump was accorded vide EE/Khm/SPA/222 dated 13/08/2012. According to NA MSEDCL infrastructure work of 0.24 KM LT line was allotted to agency for execution vide Dy.EE/Khm/T/397 dated 11/02/2013. According to NA MSEDCL complainant submitted 'Test Report' for installation on 11/09/2012. According to NA MSEDCL test report was forwarded to Junior Engineer for further action on 17/09/2012 and after completion of work connection released on 23/02/2013 and details of meter no. and make as appearing on test report which is filed on record as exhibits. According to NA MSEDCL the above documents and information was not brought on record before IGRC Buldana and submission before IGRC should not be held valid as departmental proceeding against concern officer of MSEDCL has been initiated. According to NA MSEDCL complainant did not lodge any complaint before 04/05/2019 and Assistant Engineer MSEDCL inspected the spot on 04/05/2019 and filed spot inspection report dated 04/05/2019 on record and reported that complainant's installation was not found on spot and three phase four wire line was ready. According to NA MSEDCL as test report was submitted signed by issuing agency with capacitor installation the connection was released as installation was ready. According to NA MSEDCL complainant has not brought facts regarding motor pump installation and its wiring on record before CGRF. According to NA MSEDCL complainant installed motor pump after complaint to IGRC and on direction of IGRC Buldana supply restored by installing new meter of HPL make on 15/07/2019. According to NA MSEDCL FIR has been lodged to police about missing of meter when it was the duty of complainant to safeguard the meter as per 'clause 7' of supply code of regulation 2005. NA MSEDCL requested Forum to dismiss the complaint on above grounds and complainant should be directed to pay the arrears of energy bill. NA MSEDCL Annexed-

1. EE/Khm/397 dated 11/02/2013 copy of letter addressed to M/S Sagar Electrical.
2. Electrical contractors test report dated 11/09/2019 with office verification copy (Two Pages).
3. Capacitor test report.
4. Dy.EE/Khm/Tech/....2 dated (not visible).
5. New service connection details run date 12/05/2013 one page only for consumer no. 297160018073.

6. AE/Khm/letter/163 dated 04/05/2019.
7. AE Khamgaon complaint letter to police no. 301 dated 10/09/2019.
8. AE Urban 3 letter no. 283 dated 20/08/2019 with the reply.

4) Scheduled hearing on 30/08/2019 was adjourned as local holiday was declared by authority.

5) Shri. Pramod Khandagle learned representative for complainant and Shri. B. U. Jaybhage, Executive Engineer MSEDCL were present for the rescheduled hearing on 16/09/2019. NA MSEDCL filed on record copy of reply sent by Email. Shri. Pramod Khandagle learned representative filed written note of argument and urged that NA MSEDCL filed completely fabricated reply and concealed the facts the copy of which is received to complainant on 15/09/2019. Shri. Pramod Khandagle learned representative of complainant brought to the notice of Forum that cause of grievance arose when applicant received energy bill for Rs. 15,310/- without getting Ag. connection and grievance was lodged on 08/05/2019 and further urged that IGRC committed error and directed MSEDCL to release connection without setting aside arrears and requested Forum to set aside the illegal energy bill issued to complainant without releasing connection. Shri. Pramod Khandagle brought to the notice of Forum that NA MSEDCL have not given any notice for first testing of installation or line ready required to be given as per clause 5.1 (B) of supply code regulation 2005 and installation testing report filed on record with reply is fabricated document as not signed by any of the MSEDCL authorities and only fake entries of date of connection and meter no. with make are entered leaving other columns blank. Shri. Pramod Khandagle complainant representative also brought to the notice of Forum that information asked under right to information Act dated 07/03/2019 to NA MSEDCL about pending Ag. connection was not provided which proves the pendency of Ag. connection on 07/03/2019. Shri. Pramod Khandagle representative urged that MSEDCL have not filed any record of photo meter reading or visit of meter reader and requested Forum to set aside the energy bill issued to complainant prior to connection on 15/07/2019.

6) Shri. B. U. Jaybhage, Executive Engineer argued on the basis of reply filed on record and urged that Ag. connection to complainant was released on 23/02/2013 as evident from record of test report and requested the

Forum to dismiss the complaint as complainant has not paid arrears of energy bills. On being asked by Forum to submit documents such as-

1. Gate pass of issue of meter to consumer.
2. Installation checking report by MSEDCL .
3. Stock and source of said meter.
4. Meter card with initial reading acknowledged by complainant.
5. Intimation of line ready given to complainant.
6. Gate pass for other service connection material.
7. Contractors report for having connected the Ag. connection and-
8. Original documents referred in reply for verification of date of connection as 23/02/2013.
9. Original MR sheet for meter reading.

Shri. B. U. Jaybhaye, Executive Engineer agreed to file above documents on 20/09/2019.

7) NA MSEDCL did not file on record the required documents despite direction from Forum required to be filed as per provisions of section 6.17 of MERC CGRF and OMBUDSMAN regulation 2006, within due date of 20/09/2019. NA MSEDCL however have filed on 21/09/2019 following record.

1. Additional reply EE/R/Khm/5203 dated 20/09/2019.
2. Copy of test report submitted by complaint dated 11/09/2019 with 2nd page for 'Boards use' (xerox copy).
3. Copy of gate pass 4503 without the date of issue and without receiver signature.

NA MSEDCL have not filed on record original copies of gate pass and test report for verification and other documents required to be filed as per directions of Forum as mentioned in para (6) above.

8) Having heard the parties and after considering material placed on record Forum is of the view that IGRC Buldana have already resolved the grievance of new Ag connection which is released by NA MSEDCL on 15/07/2019. Forum is of the view that IGRC Buldana have committed error in not deciding the grievance about issue of energy bill prior to 15/07/2019. The dispute on record is about non release of Ag. connection on 23/02/2013 according to complainant and MSEDCL claiming to have released Ag. connection on 23/02/2013. NA MSEDCL in defence have filed on record letter Dy.EE/Khm/U/Tech/397 dated 11/02/2013 which is work order to commence the work of erection of LT line wherein LT line 0.24 KM for giving supply to Ag. pump

of complainant was included. On detail verification of letter filed as 'Document no.1', by the Forum it is observed that said letter is conditional and contractor was directed not to start work until the following three conditions are not fulfilled

1. Material list should be got approved from Executive Engineer Khamgaon before the start of work.
2. The drawings and GTP (Guaranteed technical particulars) of material to be got approved from Executive Engineer Khamgaon before starting the work.
3. Third party insurance should be produced.

The NA MSEDCL did not file any document to prove that when the GTP is approved and material purchased by contractor and actual date of commencement of work. Forum is of the view that mere filing a letter in the absence of valid documents on record does not establish a fact that Ag. connection was released on 23/02/2013. Despite giving opportunity to NA MSEDCL to file supporting documents such as original gate pass prior to 23/02/2013 for issue of meter to complainant with issue of service connection material such as W.P. wire, MCCB, meter boards etc, no such documents are filed on record by NA MSEDCL to establish fact that meter was issued for connection before 23/02/2013. Documents filed as gate pass no. 4503 is fabricated documents as date of issue, receivers signature, vehicle no. columns are blank and wrong order no. date 23/02/2013 is mentioned. From verification of 'document 2' filed on record by NA MSEDCL which is test report submitted on 11/09/2012 (page 1) and 2nd page of test report to be filled by NA MSEDCL wherein only meter no. 49990898, its make landis and gyro and date of connection as 23/02/2013 columns are filled leaving other columns blank even the signature of lineman, LDC (for meter card) and Junior Engineer for having verified technical parameters as mentioned by issuing agency and the date of testing are missing which amply demonstrate the fact that NA MSEDCL have filed fabricated documents on record to defend their stand. Forum is of the view that NA MSEDCL have violated the provisions of supply code regulation 2005 wherein as per clause 5.2 NA MSEDCL in order to give supply should fix point of supply to fix position of mains and meter in agreement with complainant, no such document is filed on record by NA MSEDCL to establish that point of supply was fixed to release Ag. connection on 23/02/2013. NA MSEDCL did not file on record site inspection report dated 04/05/2019 only letter is filed on record which does not establish the fact whether 'Service line' of W.P. wire was provided by NA MSEDCL upto point of supply. Nothing is filed on record to establish that intimation as per clause '7' of supply code regulation 2005 for inspection on

04/05/2019 was given to complainant and thus NA MSEDCL violated provisions of supply code regulation 2005. Forum finds considerable force in the plea taken by complainant that on receipt of energy bill for oct 2018, the matter of non release of Ag. connection was taken with NA MSEDCL as is evident from the letter dated 07/02/2019 to NA MSEDCL under 'Right to information Act' and its reply by MSEDCL on 09/03/2019. Forum is of the view that there is disparity in the meter no, when NA MSEDCL in their reply vide AEE/Khm/1203 dated 28/05/2019 before IGRC Buldana mentioned L.G. make meter no. as 29990898 while before CGRF Akola NA MSEDCL took a stand of providing 049990898 meter no. for Ag. connection on 23/02/2013. With these observations on record Forum find substance in the complaint grievance that NA MSEDCL have issued energy bills from Feb 2013 to 15/07/2019 without releasing Ag. connection on field and of the view that NA MSEDCL should be directed to set aside the energy bills from 23/02/2013 to 15/07/2019 as issued without any live Ag. connection on field and without taking actual reading or photo. Forum is of the view that issue of energy bills without actual connection on field involves state Government subsidy for Ag. consumption and public revenue loss to be investigated by NA MSEDCL and should be recovered from guilty officers of MSEDCL after due enquiry. Complainant claimed SOP compensation on 04/05/2019 Before IGRC hence entitle for compensation at Rs 100 per week from 05/03/2019 limited to twice the service connection charges approved by MERC in Tariff order.

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

ORDER

1. That the Complaint No. 40 of 2019 Dated 29/07/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to set aside energy bill for Oct 2018 amounting Rs. 15,310/- along with all subsequent energy bills upto date of connection on 15/07/2019.
3. That the NA MSEDCL is directed to issue all future energy bills with date of connection as 15/07/2019 appearing on bill.
4. The N.A. MSEDCL is directed to compensate complainant at Rs. 100 per week for delay in releasing connection as per SOP regulation 2014 from

05/03/2019 till release of connection on 15/07/2019 but limited to twice the service connection charges.

5. The parties to bear their own cost.
6. That the NA MSEDCL is directed to recover the revenue loss from guilty officers of MSEDCL after due enquiry as per Principle laid down by the Apex Court in the matter between M/S Lucknow Development Authority and M. K. Gupta issued in Civil Appeal no. 6237 of 1990 dated 05/09/1993.
7. 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/209

Dt :- 25.09.2019

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

The order passed on **25.09.2019** in the Complaint No. **40 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 Buldana.

Copy to :-

Shri. Digambar Laxman Wankhade, Gat no. 83/3 GHATPURI Khamgaon Dist.
Buldana - 444303.