

**CONSUMER GRIEVANCE REDRESSAL FORUM,**  
**AKOLA ZONE, AKOLA.**

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

**ORDER**

**Dt:- 27.09.2019**

**Complaint No :- 41 of 2019 Dated 01.08.2019**

**In the matter of grievance pertaining to new Agriculture connection and SOP compensation for delay .**

**Quorum**

**Dr.V.N.Bapat- Chairman**

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

1. Shri. Abdul Mahfuz Abdul Hafiz           :-       Complainant  
LS no. 51/1K at- KALBAI  
Tq. Balapur dist Akola.  
Consumer No. - 313623218722 (New Ag)  
c/o Shri. Ashish S. Chandarana  
Flat no. 302, Satguru villa apartment  
Sahakar nagar, Gorakshan road  
Akola - 444004.

**.....Vrs.....**

Executive Engineer,  
MSEDCL, O. & M.  
Rural Division Akola.

:-       Respondent

**Appearances**

1. Shri. Ashish S. Chandarana           -       Representative for Complainant  
2. Shri. G. K. Gadekar                   -       Executive Engineer MSEDCL,  
Rural Division Akola.

1)                               On being aggrieved by the decision of IGRC Akola issued vide SE/AKL/3065 dated 10/07/2019, the complainant who is applicant for new Ag connection, 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 is applicant for new Ag connection having applied for new Ag connection to 3 HP motor pump at Kalbai Tq. Balapur on 07/12/2017 to NA MSEDCL. According to complainant necessary charges amounting Rs. 6748/- were paid on 19/01/2018 as per demand note issued by MSEDCL on 17/01/2018. According to complainant NA MSEDCL is bound by clause 4.8 of SOP Regulation 2014 read with section 43 of EA 2003 to release connection within three months of the date of receipt of completed application. NA MSEDCL failed in its obligation to release Ag connection within stipulated time period and violated EA 2003 and SOP Regulation 2014. According to complainant NA MSEDCL is liable to pay compensation for delay in releasing Ag connection at Rs. 100/- per week from 19/04/2018 in addition to early electric connection.

**Complainant Prayer For**

1. Direct NA MSEDCL to release Ag connection within 15 days.
2. Direct NA MSEDCL to pay SOP compensation at Rs. 100/- per week from 19/04/2018.
3. Direct NA MSEDCL to pay cost of Rs. 5000/-.
4. Any other relief which Hon'ble Forum may deem fit considering the facts.

Complainants Annexed copy of IGRC order dated 10/07/2019, Demand note dated 17/01/2018 and paid receipt dated 19/01/2018 alongwith the complaint.

3) Reply came to be filed belatedly on 31/08/2019 by NA MSEDCL with request for delay condonation for the reasons mentioned in letter no. 3482 dated 29/08/2019. According to NA MSEDCL it is fact on record that complainant submitted application for new Ag connection on 07/12/2017. According to NA MSEDCL estimate was sanctioned vide JE/BLR/R-2/Infra II/79 dated 17/01/2018 and issued demand note for payment of necessary charges which is paid by complaint for Rs. 6748/- dated 19/01/2018. According to NA MSEDCL pending application for Ag pump as on 31/03/2018 will be decided by giving connection on HVDS as per Government of Maharashtra resolution notified by corporate office of MSEDCL vide CE/Com/9529 dated 24/04/2018. According to NA MSEDCL on resurvey under HVDS scheme the distance for HT pole found to be for 14 pole amounting estimated cost more than 2.5 lakhs and hence connection is not feasible under HVDS scheme and complainant has to apply for 'Solar' System connection. According to NA MSEDCL since the matter is related to

'Policy' of the company, no officer or employee of the MSEDCL is guilty and complainant has been intimated after IGRC order by letter no. 22 dated 26/08/2019 and requested Forum to dismiss the complaint. NA MSEDCL Annexed corporate office circular no. 9529 dated 25/04/2018 and Dy EE/BLR/letter/22 dated 26/08/2019 alongwith the reply.

4) The scheduled hearing on 30/08/2019 was adjourned till 17/09/2019 as NA MSEDCL sought time for filing reply. Shri. Ashish S. Chandarana learned representative for complainant and Shri. G. K. Gadekar, Executive Engineer MSEDCL were present for the hearing held on 17/09/2019. Shri. Ashish S. Chandarana learned representative for complainant reiterated the contents of grievance complaint on record and submitted written note of argument and urged that Executive Engineer MSEDCL is misleading Forum who cited circular dated 25/04/2018 dated about HVDS guidelines but never communicated to complainant till 26/08/2019 that complainant needs to submit fresh application or needs to exercise any option. Shri. Ashish S. Chandarana specifically brought to the notice of Forum that Executive Engineer MSEDCL knowingly and deliberately referred repealed circular and filed false reply when said circular is superseded by circular issued by corporate office of MSEDCL vide CE/Dist/HVDS/18951 dated 06/07/2019, on the basis of Government Resolution dated 18/06/2019; wherein Government of Maharashtra relaxed this ceiling limit of 2.5 lakh and directed licensee to utilize DPDC funds over and above Rs. 2.5 lakhs with option given to consumers to spend amount over and above 2.5 lakhs. Shri. Ashish S. Chandarana urged before Forum that respondent Executive Engineer deliberately taken wrong stand to harass complainant despite directions by IGRC Akola in their order issued on 10/07/2019 and hence requested Forum to impose penalty of Rs. 10,000/- personally for filing false reply before CGRF and direct NA MSEDCL to release connection within 15 days and compensate by SOP compensation as per SOP regulation 2014.

5) Shri. G. K. Gadekar Executive Engineer MSEDCL did not deny about revision of directions given by the Government of Maharashtra issued on 18/06/2019 and urged that there was no intention personally or on the part of MSEDCL in not bringing on record the revised directives from Government of Maharashtra and circular issued by corporate office dated 06/07/2019 and requested Forum not to impose personal penalty of Rs. 10,000/-.

6) Shri. Ashish S. Chandarana in counter argument with permission of Forum however withdrawn the prayer of penalty and requested Forum to direct NA MSEDCL to release connection within 15 days with SOP compensation.

7) On concluding the hearing Forum directed NA MSEDCL to file on record revised estimate as per revised G. R. with consent of complainant if ready to spend over and above 2.5 lakhs or alternative proposal to complete the work on or before 20/09/2019 in order to release Ag connection of complainant.

8) NA MSEDCL by communication on Email sought time extension upto 24/09/2019 to file on record required documents and filed copy of revised estimate DyEE/BLR/No 1066 dated 23/09/2019 amounting Rs. 3,79,367/- with undertaking to submit proposal to DPC for excess amount beyond 2.5 lakhs.

9) Having heard the parties and considering material placed on record Forum is of the view that time period for releasing electric connection where infrastructure needs to be installed is three month as per EA 2003 read with supply code regulation 2005 and SOP regulation 2014 and it is fact that NA MSEDCL failed to abide standards of performances and not released electric connection upto 19/04/2018 when payments were effected on 19/01/2018. Forum is of the view that NA MSEDCL is duty bound to see that Government resolutions and schemes in the interest of consumers are percolated upto beneficiary consumers and in present grievance NA MSEDCL failed in their duty to intimate about option to be given to complainant to opt for 'Solar' connection as per their circular dated 24/04/2018 and deliberately tried to conceal the facts of issue of revised G.R by Government in this matter dated 18/06/2019, despite directions by their own IGRC Akola. Forum is of the view that NA MSEDCL in present grievance avoided to camply directions given by IGRC Akola and did not even prepare and sanctioned estimate which is sanctioned on 23/09/2019 on direction of Forum. CGRF express dissatisfaction over the act on the part of NA MSEDCL in avoiding to bring true facts on record. Forum is of the view that NA MSEDCL have delayed the Ag connection and failed to abide standards of performance as per SOP regulation 2014 and hence liable to compensate complainant as per provisions of regulation 2014 at RS. 100/- per week from 19/04/2018 till connection is released being continuing cause of action. The complainant has claimed SOP before IGRC Akola on 15/05/2019 hence SOP at Rs. 100/- per week is admissible from 16/03/2019 till connection is

released but limited to twice the service connection charges. Forum is of the view that NA MSEDCL should be directed to release connection within one month as per estimate sanctioned on 23/09/2019 as per MSEDCL undertaking on record.

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

### **ORDER**

1. That the Complaint No. 41 of 2019 Dated 01/08/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to release electric supply to Ag pump of complainant within one month of this order.
3. That the NA MSEDCL is directed to compensate complainant by SOP compensation at Rs. 100/- per week from 16/03/2019 till release of electric supply but limited to twice the service connection charges to be adjusted in first energy bill payable by complaint after release of connection but within 90 days.
4. The parties to bear their own cost.
5. 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/211

Dt :- 27.09.2019

**To,**  
The Nodal Officer  
Executive Engineer,  
MSEDCL, O. & M.  
Rural Division Akola.

The order passed on **27.09.2019** in the Complaint No. **41 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 :-**

Shri. Abdul Mahafuz Abdul Hafiz, LS no. 51/1K at- KALBAI Tq. Balapur.  
c/o Shri. Ashish S. Chandarana Flat no. 302, Satguru villa apartment  
Sahakar nagar, Gorakshan road Akola - 444004.