

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt: 16-10-2019

Case No. 44 of 2019 Dated 31.08.2019

Grievance pertains to:	New Ag connection and SOP compensation for delay at Bapori Tq. Murtizapur.
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Quorum

Dr. Vishram Nilkanth Bapat (Chairman)
Shri. D. M. Deshpande (Member CPO)
Shri. Ajit K. Patil (Member Secretary)

Complainant

Name	Shri. Balabhau Tukaramji Khandare
Address	At post. Bapori Tq. Murtizapur, Distt. Akola 444106.

Versus

Respondent

Name	Maharashtra State Electricity Distribution Company Limited.
Designation	Executive Engineer.
Division	MSEDCL, O. & M. Rural Division Akola.
Sub-Division	Murtizapur.

Appearances

For Consumer	Shri. R. S. Tingre (Representative)
For Respondent	Shri. G. K. Gadekar, Executive Engineer Akola Rural Div.

A. Consumer Details

Name	MSEDCL Office	Consumer No.	Category	Date of Connection
Shri.Balabhau Tukaramji Khandare	EE, Rural Division Gorakshan road Akola.	Ag - 323450003321	Agriculture	Not connected yet.

B. IGRC Proceedings

Application Date	Hearing Date	Order Date
19-06-2019	13-08-2019	19-08-2019

C. CGRF Proceedings

Application Date	Date of Serving Notice by CGRF	Due Date of Reply by NA	Date of actual Reply by NA
31-08-2019	03-09-2019	18-09-2019	25-09-2019
Regulation Reference	6.4 of MERC (CGRF & EO) Regulations 2006.		
Date of Hearing Notice	27-09-2019	Date(s) of Hearing	10-10-2019

1. PRIOR SUBMISSION

A. Gist of Applicant's Grievance

Sr. No	Description	Reference Regulation/Statute/Record
1	Complainant is applicant for new Ag. connection at Bapori tq. Murtizapur having applied for 10 HP motor pump on 19-08-2013 .	Supply code Regulation 2005 read with SOP Regulation 2014.
2	NA MSEDCL issued firm quotation on 01-02-2014 for payment of SC and SD charges amounting Rs. 13,600/-	Supply code Regulation 2005 read with SOP Regulation 2014.
3	Applicant paid the necessary SC and SD charges amounting Rs. 13,600/- on 05-05-2014 .	-
4	Complainant by letter dated 10-05-2019 claimed SOP with interest for delay in releasing Ag. connection and requested for early Ag. connection.	SOP Regulation 2014.
5	Complainant reminded MSEDCL by letter dated 04-06-2019 to release Ag. connection and payment of SOP	-

	compensation.	
6	Complainant annexed copy of IGRC order dated 19-08-2019, copy of letter dated 10-05-2019 and 04-06-2019, quotation dated 01-02-2014 and paid MR no. 0736406 dated 05-05-2014.	-

B. Prayer by Applicant

S.N.	Description
1	Direct MSEDCL to release Ag. connection within 15 days of CGRF order along with SOP compensation for delay from the date of payment.
2.	Direct MSEDCL to pay interest on security deposit Rs. 10,000/- from the date of payment by cheque till the connection is released.

C. Gist of point-wise Reply filed by N.A. MSEDCL

S. N.	Respondent's Defense	Reference Regulation/Statute/Record
1	The applicant has applied for 10 HP 3 phase Ag. connection at Bapori.	-
2	MSEDCL sanctioned estimate vide AE/MZR/T/ESTT/SPA-PE/CC&RF/04 Dt. 01-02-2014 for HT-0.48 Km, LT-0.12 Km	-

	and DTC-63 KVA. According to MSEDCL consumer has paid necessary charges on 05-05-2014.	
3	The work of infrastructure against above mentioned sanctioned estimate was allotted to M/S Dhumal electricals who did not execute the work and hence his tender contract was terminated by higher office.	-
4	As per circular under reference all pending Ag. connections were required to be released under HVDS scheme.	CE/Dist/R-1/circular/9529 dated 25-04-2019
5	Work under HVDS requires HT line 1.02 Km along with transformer which amount to more than 2.5 lacs and as per Government GR mentioned in reference the said Ag. connection has to be released under MSKPY scheme.	G.R./Solar 2018/401/Energy-7 dated 15-11-2018. G.R./Solar 2018/80/Energy-5 dated 18-06-2018.
6	As per the survey, cost of infrastructure for releasing Ag. connection exceeds 2.5 lacs applicant has to submit consent under MSKPY scheme for Ag. pump and the fact has been explained to applicant.	CE(Dist)/HVDS/18951 dated 06-07-2019.
7	The estimate is sanctioned under HVDS/DPDC vide EE/Akola/R/T/DPDC/ND-AG/19-20/01 dated 12-09-2019 and sent for administrative approval of SE MSEDCL Akola vide letter no. 3702 dated 12-09-2019.	-

8	After necessary administrative approval and allotment of agency by SE MSEDCL the work will be executed.	-
9	MSEDCL annexed references 4, 5 & 6 alongwith the reply.	-

D. Prayer by NA before the Forum

S.N.	Description
1	NIL

2. SUBMISSION DURING HEARING

A. Gist of Applicant's submission

Sr. No.	Description	Reference Regulation/Statute/Record
1	Applicant did not submit any new documents on record at the time of hearing but reiterated the grievance on record and brought to the notice of Forum that MSEDCL have delayed the Ag. connection beyond three months after payment as per regulation and hence applicant is entitled for Ag. connection within 15 days alongwith SOP compensation for delay.	-

2	Applicant specifically brought to the notice of Forum that MSEDCL have utilised Rs. 10,000/- paid towards security deposit without Ag. connection and hence requested Forum to allow interest on security deposit as per E.A. 2003 and tariff order.	Clause no. 47 of E.A. 2003, Relevant tariff order.
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B. Gist of NA's response

S.N.	Description	Reference Regulation/Statute/Record
1	Shri. G. K. Gadekar, Executive Engineer for MSEDCL urged before Forum that the work of infrastructure sanctioned on 01-02-2014 could not be executed because of failure of agency.	-
2	Shri. G. K. Gadekar further urged that now the estimate is sanctioned in HVDS scheme on 12-09-2019 and connection will be released on getting administrative approval and funds from DPDC.	-

3. OPINION OF THE FORUM

Having heard the parties and considering material placed on record Forum is of the view that

1. time period for releasing electric connection where infrastructure needs to be installed is three months as per EA 2003 read with supply code regulation 2005 and SOP regulation 2014 and it is fact that NA MSEDCL failed to abide by standards of performance and not released electric connection upto 05-08-2014 when payments were effected on 05-05-2014.
2. Forum is of the view that NA MSEDCL failed in their duty to intimate 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.

3. Forum is of the view that NA MSEDCL in present grievance avoided to comply directions issued in Government GR and did not even prepare and sanction estimate which is sanctioned only on 12-09-2019 after the complainant approached CGRF.
4. Forum is of the view that NA MSEDCL have delayed the Ag connection and failed to abide by standards of performance as per SOP regulation 2014 and hence is liable to compensate complainant as per provisions of SOP regulations 2014 at RS. 100/- per week from 06-05-2015 till connection is released being continuing cause of action. However, as the complainant has claimed SOP on 10-05-2019, hence SOP at Rs. 100/- per week is admissible from two months prior to the date of claim that is from 11-03-2019 till connection is released but maximum amount of compensation will be limited to twice the service connection charges.
5. Considering inordinate delay in giving connection from the date of completed application on 05-05-2014, the Forum is of the view that NA MSEDCL should be directed to release connection within one month as per estimate sanctioned on 12-09-2019.
6. As regards the claim for interest on security deposit, Forum is of the view that NA MSEDCL is liable to pay interest on security deposit as per section 47 of E.A. act 2003 and MERC tariff order. NA MSEDCL needs to be directed to pay yearly interest at the rate of interest admissible on SD to the consumers of MSEDCL from 05-05-2014 for the year 14-15, 15-16, 16-17, 17-18 & 18-19 and continue to pay interest on SD by cheque till connection is released.

Considering the above observations, the Forum passes the following unanimous order.

ORDER

1. The application in case no. 44 of 2019 Dated 31-08-2019 is hereby partly allowed.
2. NA MSEDCL is directed to release Ag. connection 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 11-03-2019 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. That NA MSEDCL is directed to pay interest on security deposit (Rs. 10,000/-) at the rate approved by MERC in tariff order for year 14-15, 15-16, 16-17, 17-18 & 18-19 and total amount so arrived should be paid by cheque within one month of this order.
5. The parties to bear their own cost.
6. That the NA MSEDCL is directed to submit a compliance report to this Forum within one month of this order.

Sd/-
Member Secretary

Sd/-
Member (CPO)

Sd/-
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, Shrikripa, Vijai Nagar, Chhaoni,
Nagpur- 440013.

To,
The Nodal Officer /
The Executive Engineer,
MSEDCL, O. & M.
Rural Division AKola.

The order passed on **16-10-2019** in the Complaint No. **44 of 2019** is enclosed herewith for further compliance and necessary action.

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

Copy f.w.rs.to:-

1. The Chief Engineer, MSEDCL, Akola Zone, Akola.
2. The Superintending Engineer, MSEDCL, Akola circle, Akola.

Copy to:-

- 1) Shri. Balabhau Tukaramji Khandare At post. Bapori Tq. Murtizapur Distt. Akola 444106, c/o Shri Rajiv S. Tingre, Vandan Building, Rautwadi Akola 444005.