

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 89 of 2011

In the matter of
Complaint filed by Shri Santu Sambhaji Khandekar, against MSEDCL, under Section
142 of the Electricity Act, 2003, alleging non-compliance of the Order dated
31st December, 2010, passed by the CGRF, Kolhapur Zone, in the matter of delay in
providing electricity connection.

Shri V. P. Raja, Chairman
Shri Vijay L. Sonavane, Member

Shri Santu Sambhaji Khandekar

...Complainant

V/s

Maharashtra State Electricity Distribution Company Limited
Through its Executive Engineer, Sangli Division

...Opponent

ORDER

Dated: 2nd September, 2011

Shri Santu Sambhaji Khandekar, the Complainant, filed a complaint, on Affidavit, on 20th April, 2011, against Maharashtra State Electricity Distribution Company Limited (“MSEDCL”), the Opponent, under Section 142 of Electricity Act, 2003 (“EA 2003”), alleging non-compliance of an Order dated 31st December, 2010, passed by the Consumer Grievance Redressal Forum (“CGRF” or “Forum”), Kolhapur Zone, in the matter of delay in providing electricity connection to the consumer.

2. The prayers made by the Complainant, are as under:

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- १) प्रतिवादी यांनी मा.कोल्हापूर मंच यांचे आदेशाचे त्वरीत पालन करण्याचे आदेश व्हावेत हि विनंती.
(Direct the Opponent to immediately comply with the Order passed by the Hon'ble CGRF, Kolhapur Zone)

- २) जेष्ठता यादी अथवा साहित्य उपलब्ध नाही अशी कारणमीमांसा हि ग्राहकाला देता येणार नाही. कृती मानके विनियामातील तरतुदींचे पालन हे करावेच लागेल. जर खरोखरच काही अडचण असेल तर कृती मानके २००५ च्या कलम १५ नुसार प्रतिवादी यांनी मा. आयोगाकडून या बाबतीत सूट मिळवणे बंधनकारक आहे, याची जाणीव प्रतिवादी यांना देणेत यावी हि त्रम विनंती.
(*It is humbly prayed that the Opponent should be made aware of the fact that the Opponent cannot put forth reasons to the consumer like Seniority list or non-availability of the material. The Opponent has to comply with the Regulation 15 of MERC (SOP) Regulations, 2005 and has to take permission from the Hon'ble Commission for exemption from the said obligation.*)
- ३) ग्राहक तक्रार निवारण मंच व विद्युत लोकपाल विनियम, २००६ च्या कलम २२ मधील तरतुदीनुसार अधिनियमाच्या कलम १४२ नुसार कारवाई व्हावी हि विनंती.
(*Initiate proceeding under Section 142 of E.A. 2003, in line with Regulation 22 of the Consumer Grievances Redressal Forum and Electricity Ombudsman Regulations, 2006.*)
- ४) इतर न्यायाचे आदेशवादी यांच्या वतीने व्हावेत हि विनंती.
(*Pass any other order as the Commission may deem fit in favour of the Complainant.*)
- ५) जरूर तर याचिकेत दुरुस्तीस परवानगी असावी हि विनंती.
(*Permit to amend and alter the petition if required.*) ”

3. The facts of the matter submitted in the complaint, are as under:

- i. The Complainant, Shri Santu Sambhaji Khandekar, a beneficiary of Govt.'s Jawahar Yojana, had applied to the Opponent (MSEDCL) for an electrical connection of 3HP for its new agricultural pump, located at Gat No. 402, at Sangli District.
- ii. The Complainant has submitted that it had paid Rs.4,000/- against the Challan No. 1618 dtd. 15th May, 2009, given by the Opponent, the payment being acknowledged vide Receipt no.5309946 dtd. 22nd June, 2009. Subsequently, the receipts for purchase of the necessary equipments/ materials required (at Complainant's end for the electricity connection), alongwith other requisite documents, were submitted to the Opponent, on 25th June, 2009.
- iii. The Opponent conveyed to the Complainant that as per practice, after availability of the requisite materials, the supply would be provided considering the Seniority List with MSEDCL.
- iv. In line with the MERC (CGRF & EO) Regulations, 2006, the Complainant filed a grievance with the Internal Grievance Redressal Cell (IGRC) at Sangli Circle Office, Kolhapur, on 1st January, 2010. IGRC passed its Order on 20th March, 2010, directing the Opponent to provide electricity supply as per the SOP Regulations, otherwise to provide compensation to the Complainant for the delay.
- v. The Complainant did not get the supply for a long time thereafter, and thus aggrieved, filed a grievance with the CGRF, Kolhapur Zone, on 14th October, 2010. The CGRF passed its Order dtd. 31st December, 2010, in the matter, combined with seven(7) other cases of similar nature, and heard around the same

time. The CGRF's Order directed the Opponent as follows, among other directions in the Order:

१. वर नमूद तक्तातील भरपाई रक्कम वि.प.ने अदा करण्याची आहे.
(Respondent should pay the compensation amount as given in the table in the Order.)
२. तसेच वि.प.ने सदर आदेशाच्या तारखेपासून ९० दिवसांचे आत सदर ग्राहकांस वीज जोडणी देणेची आहे.
(Accordingly, Respondent is directed to provide electricity connection within 90 days from the date of the Order.)
३. सदर विलंब भरपाईच्या रकमेचे दोन बिलिंग सायकलमध्ये समायोजन करून उर्वरित रक्कम रोखीने ग्राहकांस द्यावी.
(The compensation for delay in supply should be paid within two billing cycles.)

- vi. The Complainant has submitted that he was orally informed by the Opponent that for supply to him, a nine(9) pole line would be required, and the material/equipment for the same not being available, there would be delay in giving electricity connection.

The Complainant, alleging that the Opponent has not complied with the CGRF's Order, and that there seemed to be no intention of complying with the said Order, and thus aggrieved, has filed the present complaint before the Commission.

4. During the hearing, held before the Commission, on 11th July, 2011, no body appeared on behalf of the Petitioner, while Shri V. R. Kamble and Shri A. K. Kulkarni, from MSEDCL, appeared on behalf of the Opponent. The Opponent submitted that it has complied with the CGRF Order dtd. 31st December, 2010. The Opponent also submitted a letter dtd. 8th July, 2011, wherein it was stated that the Complainant had made the payment on 22nd June, 2009 for getting an electricity connection for his agricultural pump set, and that, the electrical connection for the same was released on 5th July, 2011. Two Affidavits both dtd. 7th July, 2011, made by the Complainant and the Opponent, were also attached with the letter, conveying as follows:
 - a) The Complainant stated that the Opponent have erected a 10 poles LT line through which the electricity connection for agricultural pump set has been released on 5th July, 2011. Similarly, as per the directions in CGRF Order, the Opponent has agreed to pay the compensation for the delay, which is acceptable to the Complainant. The Complainant, therefore, requested withdrawal of his complaint as it is satisfied with the Opponent's compliance.
 - b) The Opponent stated that having erected a 10 poles LT line, it has, on 5th July, 2011 provided the electricity connection for agricultural pump set. Further, it has agreed to pay the compensation through the electricity bills in future. The Opponent therefore requested acceptance of the Complainant's request to withdraw the complaint.

In view of the above statement of the Complainant requesting for withdrawal of his complaint on being satisfied with the Opponent's compliance, Case no. 89 of 2011 stands dismissed as withdrawn.

Sd/-
(V. L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman