

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 134 of 2011

In the matter of

Complaint submitted by Smt. Sonabai Nanaso Jadhav under affidavit under Section 142 of EA 2003 & Regulation 22 of MERC (CGRF & EO) Regulations, 2006 for non compliance of Order No 672 dated 07 June 2010 passed by CGRF Kolhapur Zone, in Case No. 52 of 2010

Coram:

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

Smt. SonabaiNanasoJadhav

..... Complainant

V/s

1. Executive Engineer and Nodal
Officer MSEDCL, Solapur
2. Executive Engineer, Pandharpur
MSEDCL, Dist. Solapur

..... Opponent (s)

Counsel/ Representative for the Complainant(s): Krishna Nanaso Jadhav (Representative)

Counsel/ Representative for the Respondent (s): 1. Jayprakash Mahadeo Kadam
(Representative)

2. S T Shitole (Representative)
3. D V Karajagi (Representative)

ORDER

Dated: 27th March, 2012

Smt. Sonabai Nanaso Jadhav submitted a complaint under affidavit under Section 142 of Electricity Act 2003 (EA 2003) & Regulation 22 of Maharashtra Electricity Regulatory Commission (MERC), Consumer Grievance Redressal Forum and Electricity Ombudsman (CGRF& EO) Regulations, 2006 for non-compliance of Order passed by CGRF Kolhapur Zone, in Case No. 52 of 2010, Order No.672, dated 7th June, 2010.

2. The prayers of the Complainant are as under:

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- a. *To issue direction against the Respondent to provide electricity connection within a specified time. The Commission may impose the penalty Rs. 6000/- per day as per the Section 142 of EA, 2003 in case of ultra virus of the directions of the Commission by the Respondent.*
- b. *The Commission may take actions as per the Regulation 22 of the MERC (CGRF& Ombudsman) Regulations 2006 and Section 142 of the EA, 2003.*
- c. *To make persuasion of the Respondent to give the acknowledgment and answers to documents of the consumers.*
- d. *To guide the Respondent as to when test report is demandable, when the report shall be check and by what method it shall be checked.*
- e. *Pass any other order which Hon'ble Commission may deem fit.*
- f. *To grant the permission for amendment in the petition, if necessary. ”*

3. Brief facts of the matter as submitted by the Complainant are as under:

3.1 The Complainant has agricultural land at Village Narale, Taluka Sangola, Dist. Solapur.

The Complainant had applied thrice for a new connection of power supply for a well. The application was submitted at Sangola Sub-divisional Office of the Opponent.

3.2 The Complainant did not receive any acknowledgement of the applications and hence, on 18th Feb, 2009, an application along with the processing fees of Rs 50 was sent through registered post and money order.

3.3 Complainant had initially submitted his complaint to Internal Grievance Redressal Forum (IGRF) on 18 December, 2009 stating that in spite of repeated requests made to the concerned officials of the Opponent, challans have not been issued by the Opponent and that a fresh application had to be submitted. The Opponent's complaint cell had informed the Complainant vide letter No 1381 dated 24 Feb., 2011 that the request contained in the application was technically not feasible.

3.4 The Complainant was aggrieved by the above reply and believed that the Opponent had neglected the complaint lodged by the Complainant. Further, the Complainant believes that in case the Opponent is not able to follow the code of conduct as per MERC Regulations, it shall obtain an exemption from the Hon' Commission to that effect.

3.5 The Complainant then approached to CGRF Kolhapur and a grievance was registered as Case No, 52 of 2010. Subsequently after hearing the matter, CGRF Kolhapur zone, vide Order No. 672 dated 07 June, 2010 ruled as below.

a) The Forum notes that though nearly five years time has passed, the Opponent's officers are not aware of provisions of Complaint Redressal Forum. On explaining the facts, concerned officers have requested for more time till 17th May 2010, Even after this time was granted till 27th May 2010 till date of passing this order no documents are submitted by respondent.

b) However a copy of letter No 3141 dt 3rd May 2010 forwarded to the Forum by Exe. Engineer Pandharpur describes that estimates and quotation has been sent to Complainant by registered post and further informed that on payment, test shall be carried out and further action shall be taken.

c) A penalty of Rs 6,700 has been imposed on the respondent for the delay of 67 weeks at the rate of Rs 100 per week.

d) The work shall be completed by respondent with in a period of 1 year.

Subsequently, the Complainant had informed the Forum that the actual delay was of 17 weeks and the penalty may be revised accordingly. CGRF then passed a revised order imposing a penalty of Rs 1,700 vide Order dated 23 June 2010.

4. The Complainant had paid the challan amount to the office of the Opponent and though the test report was submitted to the Opponent's Sangola office, the Complainant did not receive any acknowledgment for the same.
5. Consumer Forum of Sangola had also requested the Opponent to provide a connection to the Complainant. However, Assistant Engineer of the Opponent on the pretext of various difficulties did not initiate any action. Further, the Opponent has failed to provide any written reply.
6. The Opponent has not made arrangements for giving a connection nor has given any reason in writing for not doing so.
7. The Complainant believes that the Opponent does not have any intention of providing electricity connection as directed by the Forum in this matter vide Order No. 672, dated 7th June, 2010 in case No. 52 of 2010.
8. Hearing in the above matter was held on 25 November, 2011. Representatives of the Complainant submitted that the test report details have been filed with the office of the Opponent. The Opponent submitted that the test reports in respect of motor and capacitor have not been received from the Complainant till 23 November, 2011.
9. The Commission directed the Complainant that a copy of the test report shall be submitted to the Opponent within 15 days with a copy to the Commission and after receiving the report from the Complainant, the Opponent shall provide electricity connection to the Complainant as per the CGRF Order.
10. As directed by the Commission during the hearing on 25th November, 2011 the test report copies No.759 dated 28th November, 2011 were submitted by the Complainant to the Opponent's office at Gherdi (sub division office Sangola of Pandharpur division) and a copy was submitted to the Commission on 7th December, 2011.
11. As informed to the Commission by the Complainant, vide letter dated 07-02-12 and MERC inward no.6204 dated 14th February, 2012, the connection has been provided to Complainant on 31st January, 2012.
12. As connection has been provided to the Complainant, the Commission is of the view that neither any further directions are required nor the requirement to invoke the provisions of Section 142 arises. However, the Opponent shall expeditiously pay to the Complainant Rs 1,700 ordered by the CGRF vide its Order dated 23 June 2010 as penalty for the actual delay of 17 weeks.

The Commission notes that Complainant was not aware of the procedure regarding the submission of test reports, and that the above mentioned delay was due to the ignorance of the complainant.

The Commission also notes that Regulation 4 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 has a provision that the application form for supply of electricity shall provide a list of all the documents required with reference to specific provision of the statute.

In view of the above, the Commission advises the Opponent to follow the provisions of the Supply Code Regulation strictly to avoid such grievances in future.

With the above, Case No. 134 of 2011 stands disposed of.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman