

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@mercindia.org.in
Website: www.mercindia.org.in

Case No. 77 of 2010

In the matter of
Complaint filed by Shri Sanjay Bhagwan Gondhali, against MSEDCL, under Section 142 of the Electricity Act, 2003, alleging non-compliance of the Order dated 11th March, 2010, passed by the CGRF, Kolhapur Zone, in the matter of delay in providing services to the Consumer.

Shri V. P. Raja, Chairman

Shri Sanjay Bhagwan Gondhali ...Complainant

V/s

Maharashtra State Electricity Distribution Company Limited ...Opponent
Through its' Executive Engineer & Nodal Officer, Tarabai Park, Kolhapur,
Executive Engineer, Jaisingpur, Kolhapur
Asst Executive Engineer, Kurundwad, Kolhapur

ORDER (Suo Motu)

Date: 28th June, 2011

Shri Sanjay Bhagwan Gondhali, the Complainant, filed a complaint before the Commission on 24th October, 2010, 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 11th August, 2010 passed by the Consumer Grievance Redressal Forum ("CGRF" or "Forum"), Kolhapur Zone, in the matter of delay in providing services to the consumer.

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

“
१) प्रतिवादी यांनी आपल्या वरिष्ठ कार्यालयाच्या आदेशाची प्रतिकक्षा न करता मा. आयोगाच्या कृती मानके विनियमाच्या तरतुदीचे प्रथम पालन करणे अत्यंत कायदेशीर कर्तव्य प्रतिवादी यांनी पार पाडलेले नाही. हे जाहीर होऊन मिळावे ही विनंती.

(Declare that the Opponent without waiting for the orders of its Superior Officers, should have followed the Standard of Performance Regulations);

- २) या विनियमांना, साधारणपणे पाच वर्षांपेक्षा जास्त कालावधी होऊनही, महावितरण कंपनीच्या अत्यंत प्रगत समजल्या जाणाऱ्या कोल्हापूर जिल्हात, मा.आयोगाच्या विनियमांचे आदेश/ निर्देशांचे पालन होत नाही ही बाब खेदजनक व गंभीर असल्याची जाणीव प्रतिवादी यांना देण्यात यावी ही विनंती.
(Opponent shall be made to realize that in the Kolhapur District, which is considered as the most advanced areas of MSEDCL, they are not following the orders/ directions of the Commission though the Rules & Regulations were framed five years back);
- ३) वादी यांना विज पुरवठा देऊन मा. कोल्हापूर मंच यांच्या आदेशाचे पालन करावे असे प्रतिवादी यांना आदेशीत करावे ही विनंती.
(Direct the Opponent to supply power to the Complainant as per the order of CGRF, Kolhapur);
- ४) विद्युत अधिनियम २००३ च्या कलम १४२ नुसार रु. १,००,०००/- (रु.एक लाख) एवढ्या शास्तीची कारवाई प्रतिवादींवर व्हावी ही विनंती.
(Impose the penalty of Rs.1,00,000/- on the Opponent, as per Section 142 of EA, 2003);
- ५) वादी हे एक शेत मंजूर आहेत. त्यांना स्वखर्चाने वाहिनीची सक्ती केली व विज पुरवठा केला नाही यामुळे झालेल्या मानसिक, आर्थिक त्रासापोटी रु. १०,०००/- (रु. दहा हजार मात्र) मंजूर व्हावेत ही विनंती.
(Allow Rs.10,000/- as compensation for the mental & financial harassment of the Complainant, who being a farm labour, is forced to install the line at his own cost, and supply is not given);
- ६) मा. आयोगाकडे हा दावा दाखल करण्याच्या खर्चापोटी रु. ५०००/- (रु. पाच हजार मात्र) मंजूर व्हावेत ही विनंती.
(Allow Rs.5,000/- towards cost of the filing the Petition);”

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

- a) The Complainant submitted that a completed application form was submitted on 18th June, 2009, to the Opponent (MSEDCL)'s O&M Div., at Kurundwad, for getting electricity supply (of 5 HP Load) for Agriculture Pumping purpose, at Herwad, Taluka-Shirol, District-Kolhapur. The Opponent, acknowledged the same by giving the receipt for Rs.50/- as the processing fee, paid by the Complainant on the same day.
- b) That according to the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 (“SoP Regulations, 2005”), since installation of a line was required for giving the connection, the Complainant was supposed to get the Challan (intimation for the charges to be borne by the applicant) from the Opponent within one month of application i.e., by 17th July, 2009. But, the Complainant received the Challan on 18th September, 2009, i.e. after a delay of two months.
- c) That on 22nd September, 2009, the Complainant paid Rs.3,835/-, as per the Challan. Subsequently, for receiving the electricity supply, the Complainant made arrangement for the required equipments and got them installed, and also furnished the test reports to the Opponent on 9th December, 2009.

- d) That in accordance with the SoP Regulations, 2005, where the supply of electricity to the consumer's premises requires extension or augmentation of distributing mains, the Distribution Licensee is required to give supply to such premises within three months from the date of receipt of application. However, the Complainant did not get the supply for a long time. Therefore, aggrieved, the Complainant approached the IGR Cell at Circle office, Kolhapur, on 5th May, 2010, which passed an order dated 31st May, 2010 (Order No. 04471) directing that:
"The consumer has to erect on its own the three pole line infrastructure and the incurred cost should be paid back to him by adjusting in the electricity bills. Or, the Asst. Engineer, after obtaining the approvals of the higher-ups, should provide the supply on priority."
- e) The Complainant submitted that the Commission in its Order in Case No. 56 of 2007 (dated 16th February 2008) had stated at Para 9, that, "- - - consumers should not be burdened with infrastructure costs which are liability of MSEDCL. - - -", and also that, "- - - the licensee has to develop its own infrastructure to give electric supply within the period stipulated in Section 43 of the EA, 2003 read with - - -"(at Para 1 on Page 6 of the said order). Therefore, the Complainant stated that the aforesaid decision of the IGR Cell, is against the Commission's order.
- f) The Complainant further submitted that being an Agriculture *labourer*, and not being able to accept the above burden (of infrastructure cost), thus aggrieved, the Complainant filed a representation before the CGRF, Kolhapur Zone, on 17th June, 2010. The CGRF passed an order dated 11th August, 2010, directing the Opponent, as follows:
- i) Payment of penalty to the Complainant for the delay in giving the Challan to the Complainant, from 18.07.2009 to 18.09.2009, i.e. Rs.800/- (@Rs.100/- per week for delay of 8 weeks).
 - ii) Payment of penalty @Rs.100/- per week for the delay in giving electricity connection from 08.03.2010 onwards upto the date of giving supply.
 - iii) Payment to be made within 2 billing cycles of providing the supply.
- g) As submitted by the Complainant, even at the time of filing the present complaint with the Commission, the SoP Regulations and the said Order of the CGRF, have not been complied with by the concerned authorities of the Opponent. The Complainant further stated that subsequently on requesting for the electricity supply, the Opponent stated that electricity supply would be provided as per his seniority in the list, after receiving the Order from the head office.

Aggrieved due to non-compliance of the CGRF's Order by the Opponent, the Complainant has filed the present complaint before the Commission.

4. The Commission vide its Notice dated 15th November, 2010, scheduled a hearing in the matter, on 13th December, 2010.
5. On 6th December, 2010, and on 7th December, 2010, the Commission's office has received Affidavits, (both dated 3rd December, 2010) submitted by the Opponent and the Complainant, respectively, conveying as follows:
 - I) The Opponent stated the following:
 - That electricity supply to the Complainant has already been given,

- That it agrees to give the compensation for the delay in the Challan, and also for delay in providing the connection, as per the Regulations and that the same will be incorporated in the future bill, which has been given in writing to the Complainant,
- That no specific period was given in the CGRF's Order, for providing the supply to the Complainant (*from the date of the said Order, and therefore*), imposing any penalty on account of the delay in providing the supply with reference to the CGRF's Order, does not arise.
- That there was no such intention of not giving the electric supply to the Complainant or non-compliance of the CGRF Order, and, will not happen in future.
- The Opponent requested the Commission to dismiss the Petition, and, not to take any action against it.

II) The Complainant submitted that the Opponent has given Electricity Supply to the Complainant's agricultural pump on 30th November, 2010, and, has also agreed in writing, to pay the compensation for the delay in giving Challan as well as for the delay in providing the connection, as per the CGRF Order, by incorporating in the future bills, which is acceptable to him.

Further, the Complainant requested the Commission's permission for withdrawing the present complaint, and also to remain absent from the scheduled hearing, on 13th Dec., 2010.

6. A hearing was held in the matter on 13th Dec., 2010, wherein the Complainant was not present despite that the notice was sent by the Commission regarding the hearing. The Opponent was represented by Shri P. T. Adake, Executive Engineer, Kolhapur, and Shri M. A. Lawate, Executive Engineer, Jayasingpur Div., of MSEDCL. The submissions made by the two parties, as above, were read out, and taken on record, after the Opponent accepted the same.
7. Having considered the materials placed on record, the Commission had examined as to whether the Opponent has complied with the CGRF's order dated 11th August, 2010, as follows:

Direction in CGRF's order dated 11th August, 2010	Compliance by MSEDCL
Payment of penalty to the Complainant for the delay in giving the Challan to the Complainant, from 18.07.2009 to 18.09.2009, i.e. Rs.800/- (@Rs.100/- per week for delay of 8 weeks).	In the Affidavit dated 3 rd December, 2010 filed by the Opponent, the Opponent has confirmed that electricity supply to the Complainant has already been given and that it agrees to give the compensation for the delay in giving the Challan.
Payment of penalty @Rs.100/- per week for the delay in giving electricity connection from 08.03.2010 onwards upto the date of giving supply.	In the Affidavit dated 3 rd December, 2010 filed by the Opponent the Opponent has confirmed that it agrees to give the compensation @Rs.100/- per week for

	the delay in providing the connection, as per the Regulations and that the same will be adjusted in the future bills of the Complainant.
Payments to be made within 2 billing cycles of providing the supply.	

8. In view of the above confirmations made by MSEDCL in a duly sworn in affidavit filed by Shri M. A. Lawate, Executive Engineer, Jayasingpur Div., of MSEDCL, no penal proceedings were invoked against it, in the Order dated 28th December, 2010, passed by the Commission. MSEDCL was, however, directed to comply with the CGRF's directions that payments shall be made within 2 billing cycles of providing the supply. MSEDCL was also directed to file a further affidavit within eight weeks from the date of Order before the Commission, and to the CGRF reporting compliance. Since subsequent to the Commission's Order, no communication was made by the opponent giving the proof of compliance, the Commission vide its Notice dated 30th May, 2011, scheduled a hearing in the matter, on 17th June, 2011.
9. However, on the same day of dispatch of above Notice for the hearing, the Commission's office received an Affidavit, dated 24th May, 2011, submitted by the, Executive Engineer of MSEDCL, the Opponent, conveying that the electricity supply to the Complainant's agricultural pump was given on 30th November, 2010 and the compensation of Rs. 4,600/- as per Order of the CGRF, Kolhapur Zone, for the delay in giving the electricity connection, was also paid through its bills.
10. The Opponent has also attached an Affidavit dated 21st March 2011, from the Complainant, conveying that "the Opponent has already given the agricultural pump connection on 30th November, 2010, and with the payment of compensation (Rs. 4600/-) as per the Order, through the bills, since, the Complainant's grievance has been resolved, and it has no objection in the matter".
11. A hearing, as scheduled, was held in the matter on 17th June, 2011, wherein nobody appeared on behalf of the Complainant. Shri S. V. Tankusali, Asst. Engineer and Shri M. A. Lawate, Executive Engineer, Jayasingpur Division, of MSEDCL, appeared for the Opponent.
12. The submissions made by the both the parties were read out and taken on record. The Commission is of the view that, since the opponent has submitted the proof of compliance with the Commission's order, therefore, nothing survives in the present case. However, MSEDCL shall submit an affidavit to the CGRF reporting compliance.

In light of the above, the matter stands disposed of.

Sd/-
(V. P. Raja)
Chairman