

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 59 OF 2021

In the matter of release of new agricultural connection

Bhaskar Vithoba Jasud.....Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd..... Respondent
Ahmednagar (UCR Division) (MSEDCL)

Appearances:

Appellant : Pradip Bhaskar Jasud, Representative

Respondent : 1. K. S. Thakur, Executive Engineer, UCR Division Ahmednagar
2. V. B. Karad, Dy. Executive Engineer

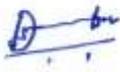
Coram: Deepak Lad

Date of hearing: 12th October 2021

Date of Order : 14th October 2021

ORDER

This Representation is filed on 1st September 2021 under Regulation 19.22 (d) of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF Regulations 2020).


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Secretary
Electricity Ombudsman Mumbai



Preamble

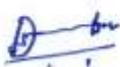
2. The Appellant had initially filed the grievance in Consumer Grievance Redressal Forum Nashik (the Forum) on 1st June 2021. However, the Forum not being operational due to vacancy of Chairperson and Independent Member, the case could not be heard. Therefore, the Appellant filed the instant Representation as the case was pending unheard for more than 60 days at the Forum.

3. The Appellant's submission in his Representation is stated in brief as under: -

- (i) The Appellant online applied for 3HP new Agricultural Connection through the Respondent's website (Service Request ID 000004704406 dated 08.09. 2016) at Gat No 433/3, Bhorwadi, Ahmednagar. The Respondent carried out the survey of the site.
- (ii) Thereafter, the Appellant has submitted duly filled A-1 Form on 04.11.2016 in hardcopy at the Respondent's 'Grahak Sewa Kendra, Vidyut Bhavan, Ahmednagar along with all necessary documents including 7/12 extract, Adhaar Card, Online Application Form and Respondent's Survey Report (Inward No. 5451). The Respondent has allotted Consumer No. 162040043845 in the online system.
- (iii) The Demand Note dated 19.03.2017 was generated online on the website of the Respondent as below: -

Sr. No.	Particulars	Amount (Rs.)
1	Security Deposit	927
2	Service Connection Charges	3500
3	Processing Fee	100
	Total	4527

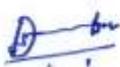
- (iv) The Appellant has paid the said amount online on the same day (Receipt No: 309262221). The Appellant has updated the Respondent's local office immediately. He further contacted the Respondent personally many times, but there was no progress. However, it appears that the Respondent's local office was not sure about


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online payment even though the Appellant has shown payment receipt.

- (v) Later on, the Appellant by his application dated 30.10.2020 by Speed Post requested the Respondent for early release of connection. The Respondent did not reply, so he reminded by email dated 02.12.2020. After that the Respondent's Grahak Sewa Kendra contacted the Appellant and informed to contact Mr. Pankaj Kate who oversees Mahavitaran office, Akolner.
- (vi) When the Appellant contacted Mr. Pankaj Kate on 09.12.2020, it was informed that the Respondent has not received the original application dated 04.11.2016. Hence, it is unable to process further. Hence, the Appellant sent request email on 12.12.2020 to the Respondent's Executive Engineer and requested to transfer the original application along with documents to the concerned. However, it did not revoke any response. Hence, the Appellant sent various reminders by email dated 17.12.2020, 22.12.2020, and 24.12.2020 for follow up. However, the 'Grahak Seva Kendra' did not transfer documents to the concerned local office.
- (vii) The Appellant received email from Customer Care on 15.12.2020 stating that his application for new connection was rejected stating '*Consumer already made live with another number*'. It was shocking news to the Appellant as all formalities of new connection was done, payment made and without any reason the application was rejected.
- (viii) The Appellant started again to run from pillar to post and submitted all concerned documents. The Respondent accepted all documents and verified it. However, there was no progress, no correspondence in the matter from the Respondent's side.
- (ix) The Appellant, therefore, filed the grievance application in the Internal Grievance Redressal Cell (IGRC) on 09.01.2021. During the hearing, Nodal officer of the Respondent has informed a new scheme of Mahavitaran for agricultural connection. The IGRC vide its order dated 18.02.2021 directed to apply for new fresh connection as per Agricultural new policy 2020.
- (x) The Appellant again filed online application No. 30856297 on 26.03.2021 and hardcopies of A-1 form, and other documents were submitted, and, in the meantime, the Appellant approached the Forum on 01.06.2021.


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- (xi) The Appellant received letter No. 268 dated 02.06.2021 from the Forum addressed to the Executive Engineer, Ahmednagar. The letter says that as IGRC has directed to release connection, Executive Engineer needs to submit a compliance report to the Forum.
- (xii) Probably, approaching the Forum, resulted in regeneration of Demand Note on 14.07.2021 for Rs.3838/- which is paid on 15.07.2021. New Consumer No. 162040047948 was generated. Thus, for the same connection, the Appellant paid on two occasions, first one 19.03.2017 (Rs.4527) and the other one on 15.07.2021 (Rs.3838).
- (xiii) Instead of hearing the matter at the Forum, the Appellant received a call from the office of the Forum informing that hearing will not be conducted as Forum is not yet formed.
- (xiv) Therefore, this Representation is submitted as hearing at the Forum could not be completed within 60 days.
- (xv) In the entire process, the Appellant has lost his valuable time for no fault on his part. Secondly, the system of the Respondent appears to be not up to the mark which has resulted in rejecting the application at the first instance and culminated into payment on two occasions.
- (xvi) As per Section 43 (1) of the Electricity Act, 2003 (the Act), the Respondent is supposed to have released the connection within one month.
- (xvii) As per Section 43 (3) of the Act, *“If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.”* Considering, this provision of law, the Appellant must get compensation of Rs.1000/- per day from 19.03.2017 till date.
- (xviii) Details of compensation is tabulated below:-

Sr. No.	Details	Amount	Remark
1	Delay in providing connection	14,60,000/-	1460 X 1000 = 14,60,000/- for 4 years delay. (Total days = 4X365 = 1460)
2	Mental Agony	5,000/-	


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3	Travel cost	500/-	
4	Documentation, Postal charges	1,000/-	
	Total	14,66,500/-	

The Respondent has miserably failed to provide proper service which it is expected to have provided as per rules and regulations, and provisions of the Act.

(xix) The Appellant therefore prays for release of connection and grant of compensation as above.

4. The Respondent has filed its reply by email dated 01.10.2021 stating as under:

- (i) That, Appellant has filed present representation in respect of releasing new service connection (Agriculture) for Survey No.533/3 situated at Bhorwadi Tal. & Dist. Ahmednagar & seeking compensation for not adhering to timelines provided in the Act and Regulations framed thereunder.
- (ii) At the outset it is humbly submitted that, delay caused in releasing connection is not attributable to any failure to meet standards of performance, neither it is intentional nor there any negligence that could be attributable to MSEDCL.
- (iii) That, it needs to be considered here that, it is not the case that, MSEDCL Office, in spite of receipt of duly completed application form along with necessary charges has failed to release service connection. Entire delay is caused due to misinformation/miscommunication in submitting the Online Application Form.
- (iv) That, Appellant is seeking 3 HP Agricultural connection which requires capital work i.e. infrastructure of two electricity poles, since distance from existing pole to point of supply is of 120 meters. As such release of connection was not possible on the basis of system generated standard charges, which are of initial nature and based upon standard schedule of charges which requires no capital work.
- (v) That, therefore in the case of the Appellant's online application form ought to have passed through following workflow i.e., 1) A-1 –Approved 2) Technical Feasibility – Approved 3) Estimate – Approved & finally Receipt –Approved.
- (vi) On 08.09.2016, the Appellant applied online, neither any documents were uploaded, nor agreement OR self-declaration is signed/selected in the system. Further no


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information of total load applied for was provided in the application. As such, said application was incomplete in all respect and was bound to be rejected for want of sufficient information and documents.

- (vii) That, during pendency of earlier application form, Appellant again applied online on 03.11.2016 with all necessary details, however no documents were uploaded. In the evolving stage of providing facility for making online payment of necessary charges for new service connection, online system used to generate standard estimate based upon standard schedule of charges. Accordingly, standard estimate charges of Rs.4527/- were displayed to the Appellant who even paid the said charges online on 19.3.2017.
- (viii) However, charges so paid were insufficient since infrastructure of two poles was required in this case. In view of the terms and condition to pay balance estimate as per actual estimate, which online is agreed by the consumer, consumer ought to have inquired to the Office in this behalf.
- (ix) That, in adherence to the Government initiative of ease of doing business and orders of the Hon'ble Maharashtra Electricity Regulatory Commission, MSEDCL has provided the facility to prospective consumer to submit online application form and its processing through online mode. Needless to state here that, from submitting application to release of new service connection and further supply of electricity, is continues process which requires number of offline interactions with the consumer; however, MSEDCL is progressively taking steps for reducing offline interaction with the Appellant so that entire process could be online.
- (x) However, in early stage of evolving online system, offline interaction was obvious and the Appellant ought to have made enquiry in this behalf by visiting the concerned office, same appears to be not done or there was substantial inconsistency in this behalf. The Appellant pursued the matter by giving reminders through emails; most of them were addressed to the Rural Division Office, which was incorrect, since Appellant comes under Urban Division Office. As such application of the Appellant was left unattended and finally came to be rejected for want of insufficient charges and required documents.


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- (xi) That, aforesaid state of affairs would sufficiently demonstrate that, delay in release of connection occurred without any one's fault and much less is attributable to MSEDCL. Timeline that attracts compensation for any failure to meet standards of performances essentially commences after receipt of duly completed application form along with necessary charges. In present case, MSEDCL Office has not received duly completed application form, until Appellant approached the IGRC .
- (xii) That, after lapse of substantial period, the Appellant approached the IGRC on 9.01.2021. Grievance of the Appellant was redressed and it was suggested to release the connection under new Agricultural policy 2020.
- (xiii) That, on 26.03.2021, Appellant duly submitted online application form with all necessary details including requirement of infrastructure. As per Agricultural policy 2020, option is provided to the consumers within 200 meters either to carry out work of infrastructure under 1.3% DDF scheme OR to wait for their turn on first cum first serve basis. Appellant opted for 1.3% DDF scheme and accordingly estimates for Rs.3,838/- was given to the Appellant on 14.07.2021.
- (xiv) That, service connection charges of Rs 95/- only were levied to the Appellant as he was classified under 1.3% DDF Scheme. Consumer paid estimate charges of Rs.3,838/- on 15.07.2021. Under DDF scheme, it was obligation of the Appellant to carry out work through licensed electrical contractor; however, same was not done by the Appellant. Under circumstances even Office was unable to process the work of the Appellant by shifting him from the DDF category to paid pending category of 'first cum first serve basis' since service connection charges paid by the Appellant were insufficient.
- (xv) That, aforesaid deadlock was explained to the Appellant and his representative; Appellant also fairly conceded the situation and submitted fresh application on 28.09.2021. Estimate as per schedule of charges consisting of Service Connection Charges of Rs 7,200/- was given to the Appellant. Immediate steps to refund earlier charges are being taken and the Appellant has also fairly deposited total amount of Rs.11,685/- on 28.09.2021. Accordingly, estimate for Rs 49,165/- under Agricultural policy is approved on 30.09.2021 and in due course, connection will be released to the Appellant as early as possible.


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- (xvi) That, considering peculiar state of affairs to which Appellant has fairly conceded, matter may kindly be disposed of.
- (xvii) Hence, it is prayed that Representation may kindly be disposed of.

5. Hearing was conducted on 12.10.2021 on e-platform through video conferencing due to Covid-19 epidemic. The Appellant narrated the hell he has passed through till filling of this Representation. He also argued that the online system of the Respondent is not up to the mark and probably because of that some confusion has been created and resulted in not establishing healthy communication from the Respondent's side. The Appellant further says that the Respondent was quite cooperative and hope to get the connection as early as possible. The Respondent on the other hand argued that there were some technical glitches in the online system and it has resulted in avoidable inconveniences to the Appellant. The Respondent further informed that the connection will be released within a week. On the query of the undersigned, about the refund of Rs.4527 and Rs.3838 to the Appellant, the Respondent informed that the Appellant may check his Bank A/c for credit of this amount else he needs to apply to the Respondent for refund of the said amount. On receipt of the application, the Respondent will take immediate steps for the refund. The Appellant, on query, submitted that he understands the position of the Respondent and therefore, does not press for any compensation as demanded in the Representation for abnormal delay in release of supply.

Analysis and Ruling

6. Heard the parties and perused the documents on record. Prima facie, I am of the opinion that the Respondent needs to fix various issues with respect to online submissions for release of new connection. I failed to understand if the online application submitted by the Appellant is not complete, how come the demand note has been issued and further, without any communication, how the application stands rejected, particularly, when the Appellant has paid the amount of demand note. This happened twice in the online system and the Appellant without demur, paid the amount of demand note twice. In my opinion, it is a serious issue. Once the application is rejected, despite having paid the amount as per demand note, the system should trigger a signal to the competent authority to engage itself in further written communication with the Appellant clarifying the factual position. Instead of this, the Respondent has thrown the entire responsibility on the Appellant to contact it, as if the Respondent has no obligation under the rules and


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regulations to intimate the Appellant. I am surprised with such type of blatant submission by the Respondent. The Respondent has also submitted that the Appellant has engaged himself in email correspondence and not contacted him personally and emails were sent to Rural division, Ahmednagar. This submission is also without any application of mind as the Appellant has emailed his concern to the various authorities of the Respondent including E.E., UCR Division, Ahmednagar and Customer Care Centre as could be seen from the emails. Therefore, the written reply of the Respondent is without any due diligence. The Respondent has nowhere in its written submission have tried to explain as to why the Appellant was required to pay on two occasions through two different demand notes over a period of four years. It is an indication of serious lapse on the part of the Respondent. The Appellant, while parting with his arguments, has requested that he expects the connection to be released as early as possible, with further expectations of reliable and quality power supply.

7. However, as the Respondent has assured to release connection within a week and the Appellant not pressing for compensation, nothing survives in the matter.

8. In view of this, I pass the following order:

- a) The Respondent to release supply within 15 days from the date of this order.
- b) The Respondent to pay Rs.2000/- as cost to the Appellant in view of the avoidable difficulties faced by him in taking his case to the logical end by way of adjustment through the ensuing energy bill of the Appellant.
- c) The Appellant is expected to submit his application for refund of Rs.4527/- and Rs.3838/- to the Executive Engineer UCR division, Ahmednagar immediately. The Respondent to ensure that the amount is refunded to the Appellant within two months from the date of submission of the application.
- d) Respondent to submit compliance within three months from the date of this order.

9. The Representation is disposed of accordingly.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


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Secretary
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