



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/N/133/994 of 2014-15**

Date of Grievance : 01/09/2014
Date of Order : 25/03/2015
Total days : 206

ORDER IN THE GRIEVANCE NO. K/N/133/994/2014-15 IN RESPECT OF Ms.SOAZ ENTERPRISES, ROOM NO.A/002, TRINITY APARTMENT, DHARMA NAGAR, NEAR MAMTA HOTEL, NALASOPARA (E) TAL. VASAI, DIST. THANE-401 209 , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN, REGARDING NEW CONNECTION.

M/s. Soaz Enterprises,

Room No.A/002, Trinity Apartment,
Dharma Nagar, near Mamta Hotel,
Nalasopara (E), Tal. Vasai
Dist. Thane-401 209.

.... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer, MSEDCL,
Vasai Circle Sub/Divn.

.... (Hereinafter referred as Licencee)

Appearance : For Licensee: Shri B.B.Halnoor- Exe.Engineer, Virar
Shri K.K.Mehta-Addl. Exe. Engg. Nalasopara
Shri Suhas Lakhan-Asst. Engg. Quality Control.
Shri C.N.Joshi – Accounts Manager.

For consumers: Shri Ramchandra D. Pandey .-

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra

Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] This grievance is brought by consumer alleging that 52 connections were sought, but were not released in time and in that process consumer was made to suffer. It is contended that consumer is entitled to compensation towards SOP as firm quotation was not issued within time. Towards it, he sought compensation for 30 weeks i.e. $100 \times 52 \times 30 = 1,56,000/-$. Consumer sought compensation under SOP as there was delay in giving the supply though amount of firm quotation was offered on 10/9/2013 but without any fault on the part of consumer, it was not accepted but ultimately accepted on 4/10/2013. It is claimed that there is delay in giving supply for 73 days and hence compensation is sought towards it for Rs.57,200/-. He had sought penalty to be imposed on Licencee u/s. 43 (3) of Electricity Act. Further sought compensation of 50,000/- towards loss of business and Rs.25,000/- towards harassment caused.

3] Consumer had approached IGRC on 4/12/2013. IGRC passed order on 3/7/2014, partly allowed the complaint and directed Licencee to pay compensation for 21 weeks towards delay in issuing firm quotation and said compensation is made limited to one connection only though sought for 52

connections. Accordingly, aggrieved by this order and in action on the part of Licencee consumer approached this Forum on 1/9/2014.

4] On receiving the grievance application, it's copy along with accompaniments, sent to the Nodal Officer vide this Office Letter No. EE/CGRF/Kalyan/0329 dated 1/9/2014.

In response to it, Officers of Licencee appeared, filed reply on 20/9/2014 and additional reply on 7/11/2014 and 5/1/2015. Licencee came up with defence of total denial contending that consumer is not entitled to any compensation on any count as he has not acted in time responding to the estimates given.

Even on behalf of consumer rejoinders are filed on 30/9/2014, 15/12/2014 and 5/1/2015.

5] This matter was taken up for hearing. We heard both sides at times and lastly on 9/3/2015. Considering the factual aspects available on record and arguments advance, following points are noted:

a] Consumer has built up two buildings i.e. building No.I & building No.II. Building No.I was having blocks and 52 connections were sought for it and in building No. II, for the rooms therein, 46 connections were sought. Accordingly, for those 98 connections, applications were filed by the consumer/builder on 22/3/2011. As it was not sanctioned, hence it had approached CGRF, Kalyan vide Grievance No. 632. It was allowed on 4/10/2011 and direction was given for giving connection within one years. However, consumer has approached Hon'ble Ombudsman vide Representation No. 133/2011 which was rejected on 10/1/2012. In the meantime, 46 connections were released but 52 connections not issued. Hence, it issued reminder to Licencee on 25/2/2013.

b] Remaining 52 connections were to be given, which were not released but it was noticed by Licencee that A-1 Forms for said supply were not available. Hence consumer produced duplicate copies of A-1 Forms on 12/3/2013. On the very day proposed estimate was submitted for Rs.1,65,792/- . Said proposal was objected by the consumer vide his writing, in the form of undertaking dated 1/4/2013 and claimed that items therein are not required, already

consumer had undertaken the work under DDF by paying 1.3% supervision charges.

c] Aforesaid proposed estimate was sanctioned on 11/4/2013. However against it, consumer complained on 22/4/2013 and 26/4/2013. Due to the complaint of consumer, sanction was again revised on 31/7/2013, it was for Rs.54300/- and consumer was to pay supervision charges 1.3% i.e. total Rs.710/-.

d] Consumer paid said 1.3% supervision charges of Rs.710/- on 3/9/2013. Further quotation for Rs.590/- was given towards processing fees, security deposit etc, which consumer paid on 4/10/2013. Said amount was for one connection and accordingly consumer was to pay at that rate for 52 connections.

e] It is submitted that for all these 52 connections, amount @ Rs.590/- was deposited and additional amount was also deposited. Test report was submitted by consumer on 24/10/2013 and 23 connections were released, providing meters on 22/11/2013. Balance 29 meters were installed on 29/12/2013 and supply was released.

f] Grievance of consumer in short is that: he has submitted duplicate application A-1 on 12/3/2013 and hence quotation ought to have been given within 15 days of the application, but quotation is given on 10/9/2013 and there is delay. Said amount is deposited on 4/10/2013. Question comes up whether in fact there is delay in issuing quotation.

6] During the course of arguments consumer's representative submitted that already IGRC passed order in case No. 532 and communicated consumer on 3/7/2014. As per the said order it is observed that there is delay of 21 weeks, for giving firm quotation and allowed compensation of Rs.2100/- i.e. @ Rs.100/- per week for one connection. **IGRC observed that 52 connections are in the name of one consumer only one survey was to be done, hence compensation is not to be given for every connection, but it is given for only one connection.** Consumer claims that when firm quotation was issued, amount was recovered from consumer for individual connections independently, consumer number is given for every connection, then awarding SOP for only one connection cannot be accepted. Hence, it is claimed that consumer is entitled to compensation for 52 connections.

7] Consumer is seeking compensation towards delay caused in accepting amount @ Rs.590/- per connection towards SD, process fee etc., though approached on 10/9/2013, but it is accepted on 4/10/2013. CR contended that this period of delay needs to be considered and compensation is to be given. In this regard, consumer placed on record letter dated 1/10/2013 whereby towards said deposit, at Sr. Nos. 2 and 3 an amount of Rs.16040/- for each shown, and with others totally it is of Rs.81270/- for 133 firm quotations. It includes the present 52 connections. The letter of consumer is of 1/10/2013 and pay order enclosed to it is of 30/9/2013. On the said letter there is an endorsement of CR that Office staff did not receive it and told 'Pathak Saheb ne Mana Kiya Hai '. Thereafter, CR approached Superintending Engineer and it is seen that there is endorsement made by Superintending Engineer, directing to accept payment immediately . Accordingly payment is accepted on that day. CR claims that though DD is of 30/9/2013, in fact on 10/9/2013 cash amount was taken for depositing, but it was not accepted and said non-acceptance is supported by the endorsement of CR, on letter dated 1/10/2013 . In the letter dated 1/10/2013 there is clear mention that cashier is not accepting the amount without signature of Dy. Executive Engineer, which is placed on record for seeking direction, to the cashier for accepting amount. Accordingly, it is clear that though letter is addressed to Dy. Executive Engineer, on it there is direction of Superintending Engineer, to Dy. Executive Engineer, for accepting the amount. Accordingly, it is submitted that delay is caused for accepting the amount of process fee etc. and further on submitting test report dated 24/10/2013 Licencee released connections on 22/11/2013

8] CR submits that even test report was submitted earlier and contention of Officers of Licencee that it was submitted on 24/10/2013 is not correct. Consumer was given liberty to place on record precisely the exact date of test report submitted and Officers of Licencee were also given liberty to place

on record details towards the said testing report submitted on 24/10/2013 but none placed on record the details. However, in the reply of Licencee dated 7/11/2014 this position is made clear that test report submitted on 24/10/2013.

9] CR claimed that after the date of offering payment as per quotation i.e. on 10/9/2013 connection was released on 21/12/2013 and there is gap of 73 days. Towards it he is seeking an amount of Rs.57,200/-. It is towards 11 weeks delay (11 weeks x 52 number of connections x Rs.100/- compensation as per SOP = Rs.57,200/-. Thirdly, consumer claims that as per section 43 (3) of Electricity Act, Licencee be directed to pay penalty @ Rs.1000/- per day for not giving supply within prescribed time of three months that too when consumer has completed almost all requirements.

10] On behalf of Licencee reliefs are resisted contending that consumer is not entitled to any reliefs claimed. Even order of IGRC is disputed. All the while, it is the contention of Licencee that there is no fault with the Licencee but, it is consumer and his representative who indulged in peculiar manner in the process of estimate submitted. It is specifically pleaded that in fact consumer has provided meter testing report on 24/10/2013, thereafter on 22/11/2013, 23 meters were installed and supply was released. Further 29 meters are supplied on 21/12/2013. Accordingly, it is contended that there is no question of granting any SOP on the ground that there is delay in giving connection, after testing report submitted. In respect of penalty U/s. 43 (3) of Electricity Act, Officers of Licencee submitted that it is not attracted. Further in respect of loss sustained by consumer to the extent of Rs.5,00,000/-, it is contended that this cannot be considered by the Forum and it is not correct. Towards, the compensation for harassment to the consumer claim is disputed by the Licencee.

11] After noting the rival claims of both sides, now, the prayers of consumer are to be dealt as under serially.

- I] SOP towards delay in providing firm quotation.
- II] SOP towards delay in providing connection to the consumer.
- III] Levying penalty u/s. 43(3) of Electricity Act.
- IV] Providing compensation of Rs.5,00,000/- to the consumer towards loss of business.
- V] Providing compensation towards physical and mental harassment.

I] SOP towards delay in providing firm quotation.

12] This particular relief comes under SOP Annexure – ‘A1’(ii),

Consumer in his application worked out the figure as under:-

$$\begin{array}{rcccc}
 26 & \text{-----} & \times & 100 & \times & \text{-----} & & 52 & & = & \text{Rs.1,35,200/-} \\
 \text{Weeks} & & & \text{Rs. per week} & & & & \text{Connections} & & &
 \end{array}$$

As against it, IGRC allowed the compensation only for one connection that too for 21 weeks. Its calculation reads as under:-

$$\begin{array}{rcccc}
 21 & \text{-----} & \times & 100 & \times & \text{-----} & & 1 & & = & \text{Rs.2100/-} \\
 \text{Weeks} & & & \text{Rs. per week} & & & & \text{Connections} & & &
 \end{array}$$

IGRC while giving finding for allowing Rs.2100/- observed as under:-

‘ 1] As payment order i.e. (FQ) is issued with delay of 21 weeks and power supply is provided to the building (Trinity Apt.) on 22/11/2013, as reported by Dy. Executive Engineer vide say submitted to the IGRC dated 3/3/2014. As the 52 numbers of connections are on the same name i.e. Soaz Enterprises and single survey is required for preparation of proposal, hence SOP for single connection and for 21 weeks is allowed i.e. $100 \times 21 \times 1 = \text{Rs.2100/-}$ (Rs. Two Thousand and One Hundred)’.

It is a fact that principally IGRC accepted that there is delay in issuing FQ and said delay is noted as 21 weeks. However, Officers of Licence submitted that even this order is not legal. They claimed no any such

compensation even for Rs.2,100/- can be ordered. They claimed total fault is of the consumer.

Basic question comes up whether Licencee can now seek relief of setting aside the order of IGRC. CGRF is not Appellate Authority to consider the claim of Licencee. In spite of it, from aforesaid discussion, it is clear that firm quotation was delayed without any fault of consumer. It is necessary to mention that consumer had approached the Forum previously vide his Grievance Application No. 632 decided on 4/10/2011 and as per its mandate Licencee was to comply said order within a prescribed time but it is not done. Even "A1" forms for 52 connections were missing with the Licencee and when consumer reminded the compliance of CGRF order, he was made aware of it and accordingly, by providing duplicate copies of "A1" form on 12/3/2013 cooperated with the Officers and thereafter as noted above, estimates were issued, amount was claimed which consumer disputed and ultimately, FQ was issued on 10/9/2013. It cannot be under mined that it is the consumer who is approaching the Forum now and then. His grievance is not redressed in time, partially it remained un-complied and he reminded the compliance, cooperated but, now fault is tried to be found with consumer. Under such circumstances, we are not able to disturb the principle accepted by IGRC in considering the awarding of SOP. But consumer claimed it is given for only one connection, it ought to have been given for 52 connections and for 26 weeks. We tried to work out the said delay from 12/3/2013 i.e. day when duplicate "A1" forms were submitted for 52 connections. As per SOP FQ was to be given within 15 days from the date of submission of A1 form i.e. up to 27/3/2013. However, actually firm quotation issued on 10/9/2013 and this period from 27/3/2013 to 10/9/2013 covers period of 24 weeks. Hence, we find providing SOP for 21 weeks by IGRC is not correct. It needs to be given for 24 weeks.

After considering the fact that compensation for 24 weeks is to be given, further question needs to be considered, whether such compensation is

tobe given for only one connection, on the basis that consumer is one and that survey was required to be done was once or it is to be given for 52 connections which are sanctioned to the consumer, in the newly built up building, towards which deposits are paid separately, process fee is paid separately and consumer numbers are allotted separately. View is taken by the IGRC, considering the survey conducted. But we find, if it is only one survey, then imposing on consumer, the burden of deposit and other charges, for every connection, should have been also given different treatment in the Regulation, but it is not so. There is no any independent provision to deal with such builders seeking multiple supply for the units in the building which built up basically for sale. In absence of any such rule, it is not possible to accept that for 52 connections SOP is to be given for one connection. Finding of IGRC is not based on any sound principle. We find the base treated by IGRC is not in tune with the required norm. When 52 connections are there, deposit and process fee for every connection is recovered, then, any liability if arises towards SOP it should be for 52 connection.

However, there is already a view taken by Hon'ble Ombudsman and reference can be made to the order dated 20/11/2012 of Hon'ble Ombudsman in **Mr. Niraj Rajendrapratap Singh V/s. MSEDCL, Representation No.67 of 2012**. In this matter SOP is given towards single builder for 26 flats, for 9 weeks at the rate of Rs.100/- which is discussed in Para No.7. In other words, for multiple connections sought by builder SOP can be granted not as a single consumer but for every connections sought.

In this matter, we noted that consumer submitted A-1 forms on 12/3/2013. As per SOP FQ were to be given within 15 days there-from i.e. up to 27/3/2013. As FQ not given in time, consumer had approached Chief Engineer Vasai Circle vide his letter dated 22/4/2013 and in Para 5 further Clause 7, there is prayer for SOP. This aspect of SOP is not finally decided by Chief Engineer. Consumer has even by writing letter on 2/12/2013, to the

Superintending Engineer, agitated the said SOP. Even consumer had approached IGRC and succeeded therein partially whereby said SOP is allowed but limited for one connection. It is a fact that no independent / separate prayer is made after 10/9/2013 to 10/11/2013 for seeking such SOP. But, claim of SOP, already pending from 22/4/2013 and it is continuing one, till it is decided. As noted above, already IGRC dealt it. In other words, consumer has started action for SOP before hand i.e. even prior to FQ issued. Said prayer in no way will frustrate, as it is continuing one which is lodged prior to issuing FQ. No doubt, in such case, SOP can be made limited up to the date of issuing of FQ starting from the day when it was required to be given. Hence, there is no bar for awarding such relief.

Accordingly, we find consumer is entitled to SOP on this count for 52 connections. Hence, entitlement of consumer under the said SOP is as under:-

$$\begin{array}{rcccc} 24 & \text{-----} & \times & 100 & \times & \text{-----} & & 52 & & = & \text{Rs.1,24,800/-} \\ \text{Weeks} & & & \text{Rs.per week} & & & & \text{Connections} & & & \end{array}$$

In view of the above, consumer is entitled to amount of Rs.1,24,800/-.

II] SOP towards delay in providing connection to the consumer.

13] This particular claim falls under Annexure “A” -1 (iii). In this regard, consumer contended that though firm quotation was issued on 10/9/2013 and amount offered on 10/9/2013, but it was not accepted and ultimately, accepted on 4/10/2013. Hence, non acceptance of amount of FQ on 10/9/2013 cannot be read against the consumer and if 10/9/2013 is treated as date of payment of FQ then supply was required to be given within one month i.e. 10/10/2013. However, supply is given at a subsequent date. Hence, till to

Grievance No.K/N/133/994 of 2014-15

the date of supply from 10/10/2013, consumer is entitled to SOP. Consumer worked out those days as 73, for 11 weeks and claimed an amount of Rs.57,200/- as under:

$$11 \text{ weeks} \times \text{Rs. } 100/- \text{ (SOP per week)} \times 52 \text{ connections} = \text{Rs. } 57,200/-$$

In this regard, though Licencee disputed, IGRC in its order recorded the reason for denying it and said reason reads as under:-

‘The power supply released within one month from submission of receipt of FQ, hence, compensation for delay in power supply is denied.-----’

The said finding though recorded, it needs to be considered in the light of factual aspect. It is admitted fact that FQ amount offered on 10/9/2013 actual received on 4/10/2013. Already it is considered that there was no any reason to refuse the FQ amount on 10/9/2013. Hence, 10/9/2013 is the date, to be considered towards payment of FQ. Considering the said date as valid one, further things are to be noted. It is a fact that for giving supply compliances are required in the form of paying FQ and submitting test report. In this matter, test report submitted and Licencee claimed that those reports along with receipts of FQ deposited/produced on 24/10/2013. Accordingly, this date of test report submitted is material one. This factual aspect is stated by Licencee in Para 13 and further in Para 14 clarified that 23 meters were issued on 22/11/2013 and 29 meters on 21/12/2013. Those paragraphs are reproduced as under:-

----“13-- As per the above sanctioned estimate, J.E.Vijaynagar-1 issued 52 number, firm quotation to the applicant on date 10/9/2013. On date 4/10/13, applicant paid the firm quotations and on date 24/10/13, submitted the test report along with the copy of paid firm quotations.

----14 Then J.E. Vijaynagar-1 had issued 23 no. meters on date 22/11/13 and remaining 29 no. meters on date 21/12/13 as per availability of meter.”

Contents of these two Paras are replied by the consumer in Clause No.9 in reply dated 15/12/2014, stating as under :-

---‘The reply Para Nos. 13 and 14 accepted.’

Accordingly one thing is clear that test reports submitted on 24/10/2013. Accordingly, compliance if treated as 24/10/2013, then supply was to be given within one month i.e. prior to 24/11/2013. As noted above, 23 meters were provided on 22/11/2013 itself. Accordingly, within one month these 23 meters were provided. Remaining 29 meters are installed on 21/12/2013 and accordingly these meters are installed with a delay of 26 days i.e. those ought to have been supplied on 24/11/2013 but supplied on 21/12/2013. Accordingly, we find, no doubt, there is a delay of 26 days (Four weeks) for giving supply to 29 connections. Accordingly, considering the aforesaid SOP Licencee is liable to pay as under:-

4 weeks x Rs.100/- per week as per SOP x 29 connections = Rs. 11,600/-.

In the light of the above, consumer is entitled to compensation towards SOP for Rs.11,600/-.

III] Levying penalty u/s. 43(3) of Electricity Act.

14] In this regard, CR submitted that consumer applied for 52 connections by providing duplicate “A1” Forms on 12/3/2013 but supply was not given within three months. However, by providing 23 meters on 22/11/2013, 29 meters on 21/12/2013 delay is caused and hence, as per Section 43(3) of Electricity Act directions be given to the Licencee to pay penalty. This contention is denied by the Officers of Licencee.

15] As per Section 43(3) of Electricity Act, penalty up to Rs.1000/- may be imposed for each days default if supply is not given within the period of three months. This is a penal provision in the Act. It is not speaking about payment of penalty to other side i.e. to the consumer.

No doubt as per section 43(1) consumer Forum and Ombudsman are to function in the light of Regulation prepared by MERC U/s. 181. In this state, Hon'ble MERC framed Regulations towards it, effective from 20th April, 2006. As per definition Clause Section 2 (1) (c) grievance is defined and it pertains to different aspect, such as fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been under taken to be performed by Licencee in pursuance of contract agreement or under the Electricity Supply Code or in relation of SOP. It includes safety of distribution system and non compliance of order of Commission or action to be taken towards it. Section 142 of Electricity Act speaks about power of commission to impose penalty and additional penalty. At this stage, difference is to be made pertaining to penalty and compensation . Aspect of compensation is covered in SOP and as per the Regulation, CGRF and Ombudsman can deal as per Supply Code and SOP, by giving compensation. However, question comes whether any penalty can be levied by Forum or Ombudsman. In the Electricity Act there is a provision in section 170, for recovering the penalty, by way of arrears of Land Revenue. Under such circumstances question comes up whether U/s. 43 (3) of Electricity Act penalty, which may extend up to 1000/- per day, can be imposed by Forum. Reply is clear from bare reading of section 143, 144 of Electricity Act. It provides for mechanism for imposing penalty u/s. 43 (3) of Electricity Act. Further jurisdiction of this Forum and even Civil Court is barred on this aspect as per Section 145 of Electricity Act. Hence, this claim cannot be dealt by the Forum as sought by consumer.

IV] Providing compensation of Rs.5,00,000/- to the consumer towards loss of business.

16] Consumer's representative submitted that though consumer applied for supply long back on 22/3/2011, approached this Forum with Grievance

No.632 which was decided on 4/10/2011 and said order passed by CGRF was confirmed by Ombudsman in Representation No. 133 of 2011 on 10/1/2012.

Grievance No.K/N/133/994 of 2014-15

Thereafter there was no any progress. It is further submitted that consumer again filed duplicates of “A1” Forms on 12/3/2013 and after continuous persuasion and correspondence, consumer succeeded to have the connections on 22/11/2013 and 21/12/2013. In this regard, it is contended that consumer has invested huge amount by taking loan and as supply was not given in time, he suffered heavy loss. Hence, an amount of Rs.5,00,000/- sought towards said loss.

This claim is denied by Licencee.

We find as per MERC (CGRF and EL.Ombud.) Regulations Clause 8.2- c, consumer is not entitled to indirect, consequential, incidental, punitive or exemplary damages, loss of profits or opportunity. Accordingly, we find, this clause creates a bar for awarding any such compensation as sought by consumer. Hence, it is to be rejected.

V] Providing compensation towards harassment.

17] Above discussion speaks itself. Consumer’s prayer for supply from 22/3/2011 prolonged and ultimately complied on 21/12/2013. In between consumer has taken recourse to a remedy before IGRC, CGRF, but though succeeded he was required to wait and face the situation that too without any fault on its part. It was required to provide duplicate set of applications and in spite of it things were not smooth, matter lingered and after tough fight with the system, consumer could succeed, in having supply by 21/112/2013. It is contended that consumer had suffered on all fronts. In addition, mental and physical harassment alleged as consumer was required to run from pillar to post. Towards it, claimed Rs.25000/-.

18] No more words are necessary, now, to record concurrence to the consumer’s plight. Things are crystal clear, at every point, there was dispute.

Consumer was required to make representation get it channelized and definitely it made consumer to face and bear. In this light, we find it is an appropriate case wherein Licencee is to be directed to pay an amount of Rs.5200/- to the consumer, as per MERC (CGRF and EL. Ombud.) Regulation Clause 8.2 (e).

19] In view of the aforesaid discussion, grievance of the consumer is to be partly allowed.

20] This matter could not be decided in time as both sides were to add their contentions and arguments were concluded on 9/3/2015.

Hence, in view of the above, this grievance is to be partly allowed.

I agree

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

PER SHRI C.U.PATIL, MEMBER SECRETARY:-

I have gone through the above reasoning and conclusion of Hon'ble Members, I respectfully agreed with it except for the contents in Para No.12 regarding the compensation of Rs.1,28,000/- towards SOP for the reasons that -

The builder of M/s. Soaz Enterprises appears as the "Single" applicant till the completion of all formalities related at his end including payment of 1.3% Supervision charges and completion of work thereafter for the technical parameters involved in the case. After then he becomes eligible for putting up demand for the individual firm quotations for all individual flat owners and also the existence / appearance of the individual flat owners then comes in to picture.

It was necessary to "view" these two liabilities / identities for consideration of merits / demerits in this issue "separately" and compensation towards SOP accordingly.

Hence calculation of SOP for all 52 connections for the period (of 26 weeks) including time taken for completing the involved technical work after payment of 1.3% Supervision charges by builder is not justified and hence not agreed.

(Chandrashekhar U.Patil)
Member Secretary
CGRF, Kalyan

ORDER BY MAJORITY

Grievance of consumer is hereby partly allowed.

As discussed above, Licencee to pay to the consumer,

- a] Rs.1,24,800/- as a compensation towards SOP Annexure 'A 1 (ii).
- b] Rs.11,600/- as a compensation towards SOP Annexure 'A1" (iii).
- c] Rs.5200/- towards harassment as per Clause 8.2 (e) of MERC Regulation.

Aforesaid amount be paid by the Licencee to the consumer by issuing cheque within 30 days from the date of order. If amount is not paid within 30 days then amount as per aforesaid "a and b" be paid with interest as per Bank Rate from the date of this order till to the date of payment. In no case this payment be delayed for more than 60 days. Compliance be submitted within 60 days.

Dated: 25/3/2015

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

Grievance No.K/N/133/994 of 2014-15

Note:

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity
- c) Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.