



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/N/135/1081 of 2015-16**

Date of grievances : 18/05/2015

Date of order : 18/01/2017

Total days : 624

IN THE MATTER OF THE GRIEVANCE NO. K/N/135/1081 OF 2015-16 IN RESPECT OF BODHAIRAM DASURAM YADAV, SHOP NO. 06, SAI SHRADDHA APT. OPPOSITE VARDHMAN PARK, TULLINJ, VIJAY NAGAR, NALASOPARA (E), TAL. VASAI, DIST. PALGHAR - 401 209, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION & COMPENSATION TOWARDS SOP.

Bodhairam Dasuram Yadav,
Shop no.06, Sai Shraddha Apt.
Opp. Vardhman Park, Tullinj,
Vijay nagar, Nalasopara (E)
Tal. Vasai , Dist. Palghar,
Pin Code 401 209,
(Consumer No. 001849033470)

..... (Hereinafter referred as Consumer)

Versus

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

..... (Hereinafter referred as Licensee)

Appearance :For Consumer- Shri Pandey - Consumer's Representative.
For Licensee - Shri Hanumant Dhok,AEE, NLSP(E)
Shri D.A.Kini,AEE (QC), NLSP (E).

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and
Mrs.S.A.Jamdar- Member (CPO)].

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 & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] Case in briefs is that, application for power supply was made on 31/1/15 at CFC Virar, Division which in turn was forwarded to the concerned section on 4/2/15. Representative of applicant approached the concerned section Office various times but to no response.

3] Applicant registered grievance with IGRC on 23/2/15 vide No. 23/15. SDO Nallasopara filed reply on 11/3/15. Applicant alleges irregularities, bad intention, mal practices. Applicant's representative Mr. Ramchandra Pandey submitted rejoinder on 23/3/15. But IGRC Vasai Circle failed to resolve the problem.

Applicant prayed for –

- 1] Power Supply,
- 2] SOP compensation for delay,
- 3] Compensation for loss of business,
- 4] Compensation for mental harassment.

4] In reply, Licensee states that application submitted to CFC on 31/1/15, was received by SDO, Nallasopara on 9/2/15 and by Asst. Engineer Tulinj on 21/2/15. Thereupon Asst. Engineer Tulinj issued a letter dated 25/2/15 for joint inspection to be held on 25/2/15. None was present to take the notice, hence notice copy was affixed on shutter of the premises. Then as per the notice issued to Asst. Engineer, Tulinj – I, visited the spot, but consumer/ applicant was not present for joint inspection. Hence Asst. Engineer left the spot. Applicant did not thereafter approach to the section Office for joint inspection as such the Asst. Engineer deleted the A-1 form online, since the applicant was not interested to obtain new connection.

5] We have heard both the sides. There are rejoinders, sur-rejoinder filed which we have gone through.

6] At the outset, the first objection of the Licensee appears to be that the application was not submitted at the appropriate office. In support of the same, they relied on Section 2.1 of the Condition of Supply Regulation 2005, which we have gone through specially the place where the application is to be submitted. Instead of presenting the application to Section Office as provided in Section 2.3, the applicant submitted it to CFC Virar, which delayed the proceeding by 21 days. It is to be noted however that as per Sec4.2 of Supply Code, 2005, the applicant can also be submitted to CFC. CFC appears to have been made for additional facility given to the applicant/consumer. Even then it is not the case that the application was incomplete in any respect. The reason being that the Asst.

Engineer Tuling did serve notice for joint inspection. Licensee's contention is that the applicant did not approach the Section Office for the purpose of joint inspection. But then admittedly notice of joint inspection was not served on the applicant. A.E. wants to say that notice was sent for service through Tuling -1 line staff Shri Sachin Dhanve . But there was none present to receive it. Hence the same was affixed on the shutter of the premises. Premises was not verified as per address given on A-1 Form. There was no board showing name and address of Bodhairam Yadav there. The mobile No. 9969981717 which was mentioned on A-1 form was rung, but no one answered it. So the mobile number was not confirmed. The address was not confirmed, **while** as per conscience it was presumed that the premises may be of Shri Bodhairam Yadav and the notice affixed on the premises. As per notice , AE went to the premises for joint inspection but none was present. AE further contended that no guideline has been given by MSEDCL as to the mode of service of the notice. Hence as per his conscience he sent his staff for service.

7] At the outset, sofaras, prayer no.1 is concerned, supply connection is given to the applicant during the pendency of the proceeding.

8] Now, there is no document produced by the Licensee's office in support of their contention, that attempt was made to serve notice by hand through Mr. Sachin Dhanve unsuccessfully. There is no panahnama drawn recording the above stated facts. It is stated in the reply that call was made on mobile No. 9969981717 given in A -1 form. No details are given as to from which phone, the call was made, nothing is produced to prove the said alleged fact. There is a copy of statement of Sachin Dhanve produced, which we have gone through. It is recorded on 13/7/15. The premises was visited for service of notice allegedly on 23/1/2015. There is no contemporary record, it is not known what was the occasion to record the statement of Sachin Dhanve on 13/7/15.

9] Above being the state of affairs, in the absence of record of service of notice, and about joint inspection, applicant succeeds on the point of SOP violations. The joint inspection was conducted after 151 days as alleged i.e. 21.57 weeks thus SOP compensation for the same works out to **2200/-**. But further action cannot be said to be delayed as the date of FQ cannot be considered from the date of application i.e. 31/1/2015 but the date of survey i.e. 8.7.2015. Thus total SOP compensation comes to be Rs.2200/-.

10] Coming to the amount of Rs.3000/- recovered as service connection charge, applicant refers to 3.3.3 of Supply Code. He contends that if the Licensee wants to use materials installed by the applicant/ consumer for connecting power supply to his premises, the Licensee should refund the recovered cost of Rs.2960/- to the applicant/consumer. In this context it can be seen that charges have been recovered as per Schedule and it is nowhere the claim of the applicant/consumer that material was provided by him and there is no dispute that MSEDCL has made arrangement for incoming supply up to metering point which is the responsibility of the MSEDCL. Applicant/consumer is thereupon not entitled for refund of Rs.**2960/-** as contended.

11] Coming to the remaining issues of compensation due to business loss and mental harassment the former is not within the jurisdiction of this Forum and so-far-as mental harassment is concerned, when there is specific compensation prescribed for SOP violations it is not desirable to grant over and above it any further amount by way of compensation or else it would amount to exceeding jurisdiction.

12] This matter could not be decided within time as the Hon'ble Chairperson took charge on 20/09/2016 of this Forum and the matter was reheard.

In the result, therefore, the grievance application has to be allowed in part.

Hence the order.

ORDER

- 1] Grievance application is partly allowed.
- 2] Connection is granted during the pendency of this grievance.
- 3] Licensee to pay Rs.2200/- to the applicant/consumer towards SOP compensation.
- 4] The remaining part of the grievance stands dismissed.
- 5] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Dated: 18/01/2017.

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

(L.N.Bade)
Member Secretary
CGRF, Kalyan

(A.M.Garde)
Chairperson
CGRF, Kalyan

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
- c) delay in compliance of this decision issued under “Maharashtra Electricity 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.

