



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.14/2014

Date of Grievance : 04.07.2014

Date of Order : 16.01.2015

In the matter of shifting of transformer.

Mr.Madhukar Sakharam Ghadashi
247, Shukrawarpeth
Arihant Shree Socy.,
11 Maruti Chowk,
Pune-411002.

Complainant

(Herein after referred to as Consumer)

Versus

Executive Engineer,
M.S.E.D.C.L.,
Parvati Division,
Pune.

Respondent

(Herein after referred to as Licensee)

Quorum

**Chair person
Member Secretary**

**Mr. S.N.Shelke
Mr. Y. M.Kamble**

Appearance

**For Consumer
For Respondent**

**Mr. Madhukar Sakharam Ghadashi
Mr. Uday V.Chamale,Exe.Engineer
Parvati Division.
Mr.Darade,Dy.E.E.
Peshavepark Sub-dn.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 17.05.2014 passed by IGRC Rastapeth Urban Circle, Pune, the consumer above named files the present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Parvati Division, Pune vide letter no. EE/CGRF/PZ/Notice/14of 2014/129 dtd.07.07.2014. Accordingly the Distribution Licensee i.e. MSEDCL has filed its reply on 18.07 .2014.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
- i) Consumer is having connection vide no.160265030031247
 - ii) Respondent installed transformer in the building of Arihant Shree Co. Hsg. Socy., in its parking place somewhere in the year 2005.
 - iii) There is leakage to the building of the said society & from the said leakage water collects where transformer is installed.
 - iv) Due to water near the said transformer there is danger of blasts to the transformer & also to the inhabitants of the said society.
 - v) On the applications of the consumer the respondent made a spot inspection of the said site& it was found that the water had collected at the place of transformer & for growing of water from the said place, the Socy. has installed pumpset Respondent informed the consumer about the same vide letter No.728 dtd.4.03.2014.
 - vi) Consumer made grievance to IGRC for shifting of transformer on 21.04.2014 thereafter IGRC decided the grievance vide impuned order dtd.17.05.2014.
- 5) Consumer Mr.Madhukar S. Ghadashi was present before the Forum. He submitting that transformer has been installed at the ground floor of the said building in 2005. There is some leakage to the building of Arihant Shree Co. Hsg. Socy., therefore water collects near the transformer. Previously the said transformer was burnt due to said water. They tried their level best to detect as to how water collects near the transformer but they could not get the exact place of it. Thereafter consumer made complaints to the respondent for shifting of said transformer at some other place. However respondent has not shifted it till today.

Respondent did not pay rent of the place where transformer is installed. Therefore he requests for shifting of transformer & also demands rent of that place.

- 6) On the other hand, Mr.Uday V.Chamale, Exe.Engineer, Parvati Division represented the respondent. He submitted that the said transformer 200KVA was installed as per the consent of the builder & with the permission of Electrical Inspector in the year 2005 under 15% Supervision Charges. On the complaint of consumer they made spot inspection. It was found that water collects at the place of transformers. The Socy. has made arrangement for drawing of water from that place with pumpset. Since water collects at the transformer it is dangerous for the employees of respondent as well as members of the scoy. Therefore they have informed to said consumer about the same & if socy., provides alternative place, the respondent is ready to shift the transformer at some other place.
- 7) Following points arise for our determination. We answer the said points for the reasons stated below.
- i) Who is responsible for leakage & collection of water at the transformer?
 - ii) Whether it is necessary to shift the said transformer at some other place?
 - iii) Who is liable to provide alternative place for shifting of transformer?
 - iv) Whether applicant is entitled to get rent of the place of transformer?
 - v) What order?

Our findings to the above mentioned points are as under:

- i) Either Builder, Society or Municipal Corporation.
 - ii) In affirmative.
 - iii) Society.
 - iv) It depends on the nature of agreement.
 - v) As per final Order.
- 8) It is revealed that the concerned builder after completion of building handed it over to the society named Arihant Shree Co. Hsg. Socy. The said society is registered vide no.PNA/PNA(1)/HSC/TC/9405/08-09. The spot inspection was done by the Licensee at the request of consumer & it was revealed that water collects from the leakages at the place of transformers. The Socy. has made arrangement drawing of

the water from that place with the help of pump set. However it could not detect during spot inspection exactly from which place the said water comes at the place of transformer. Therefore it is the primary duty of the society to ascertain how water collects at the said place. It is revealed that large quantity of water collects at the said place. If it is so it is wastage of water. Pune Municipal Corporation provides water to the said society, therefore it is also responsibility of the Pune Municipal Corporation to detect the leakage & save water. In this connection society may move application to the Pune Municipal Corporation & thereupon Pune Municipal Corporation may make necessary arrangement for detecting the leakage of water. If said leakage is old one immediately after the construction of said building, builder concerned may be responsible for that leakage.

- 9) Since water collect at the place of transformer, there is possibility of the blasts. During the course of arguments the said consumer informed that previously there were two incidents of blasting in the said transformer. Spot inspection done by licensee also reveals there is danger not only to the transformer but also to the employees of the Licensee & members of said society due to collection of water at the place of transformer. The said facts very well establish that there is need to shift the transformer from the said place immediately. However if the said society with the help of Pune Municipal Corporation succeeds to stop the leakage of water, in that case there would be no need to shift the transformer. But if they do not succeed to stop the water then it is the responsibility of the society to provide another place for shifting of said transformers.
- 10) The consumer made grievance that no any rent of the place of transformers has been paid by the Licensee till today. It has come one record after construction of said building after some period it was handed over to the society. The said transformer was installed at the said place in the year 2005. The said society came into existence somewhere in the 2008 or 2009. There is nothing on record about the nature of agreement between the builder & the Licensee about payment of rent. No any document is produced on record to this effect. The Licensee may be responsible for payment of rent but it depends upon the nature of agreement & the

rules framed to this effect. Therefore for want of sufficient information we are unable to give findings about payment of rent of the place of transformer.

- 11) To sum up our discussion it is pertinent to note that IGRC, Rastapeth Pune under impuned order has held that if society provides alternative place for shifting of transformer, Licensee would shift the transformer at the said place. There is no need to interfere in the findings of IGRC, Rastapeth Pune.
- 12) The said grievance could not be disposed of within stipulated time since the Chairperson of this forum was retired on 28.7.2014 & present Chairperson joined on 8/12/2014.
- 13) We proceed to pass following order :

ORDER

1. Grievance of the consumer stands dismissed with no order as to cost.

Delivered on: - 16/01/2015

Y.M.Kamble
Member/Secretary
CGRF:PZ:PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra(E), Mumbai-51.