

.(A Govt. of Maharashtra Undertaking)
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Consumer Grievance Redressal Forum
“Vidyut Bhavan”, Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date:

Hearing Date: 27/08/2018

CASE NO.123/2018

In the matter of restoration of supply and new electricity connection

Ansari Mohd. Yasin Nizamuddin
“Al Hera Heights” H.No 142/2
Ist floor .Rajiv Nagar ,Naygaon –I
Near Tohid Nassjid,
Bhivandi

..... (Hereinafter referred as Applicant)

Vs

M/s Torrent power Ltd
Through it's Nodal Officer,
Bhiwandi, (Hereinafter referred as Respondent)

Appearance

For Respondent :- Representative for Respondent :- R.S.Shambag and Hemangi
Mayekar

Representative of the applicant :- Sajid Ansari.

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member Secretary and
Sharmila Ranade - 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 subsection 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. [Electricity Supply Code and other conditions of supply Regulations 2005] Here in after 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.

The grievance of applicant is as below :-

The applicant has submitted that he had made application to M/s Torrent power for new connection to his premises vide application no 18/New/06438 dated 03/02/3018. The applicant further submit that a survey was conducted by the surveyor of M/s Torrent power limited who clarified and justified new connection application and residential connection was released and installed meter bearing meter no B22421174.

The applicant submit that on 12/03/2018 the electricity meter given to him was removed also the application submitted for new connection to Flats in "AL HERA HEIGHTS" building but no action taken by the Respondent .

The applicant prayed for reconnection of electricity supply which is disconnected forcefully and release of new connection.

The notice issued to the Respondent to appear before forum. The Respondent M/s Torrent power has filed reply dated 26/06/2018. The Respondent state that he applicant had applied for a new connection on 03.02.2018 for first floor ,accordingly survey was carried out and new connection was released vide service no 13014305763 on 21.02.2018. The Respondent further submit that on 11.03.2018 Engineer of the Respondent had visited the site for verification of completed work but he noticed that the EHV line is in proximity to applicants premises and EHV (100KV) line clearance was not maintained as per standard mention by Central Electricity Authority Regulation 61/3 clearance from building of lines of voltage exceeding 650 V .The Respondent further submit that oral instruction was given to the applicant that building is nearer to EHV lines and permission required from electricity inspector also the meter of applicant removed from the point of safety with intimation to the applicant. The Respondent prayed for to dismiss the said grievance as the disconnection of the supply purely based on safety ground.

During the hearing, applicant argued that prior to the development of this land there was a single story building which had an electrical connection. After redevelopment of building the distance of EHV line and building is 3.17 meters and submitting the survey report. On the other side the Respondents submit that the Respondent constructed the three storied building applied for new connection . At the time of inspection it was found that as line clearance was not maintained as per standard mention by central Electricity Authority Regulation so the meter of consumer removed from point of safty to avoid any damage and accident.

After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration to which I have recorded points with reason given below

- 1] Whether the applicant entitle for reconnection of power supply which is disconnected and release of new connection? No
- 2] Whether consumer complaint is tenable? No
- 3] What order?

Issue Nos. 1 & 2 A perusal of the Indian Electricity Rules show that all the overhead lines, equipments etc. must comply with the clearance limits published in the Indian Electricity Rules. And Indian Electricity Rules stipulates 61. Clearances from buildings of lines of voltage exceeding 650V:-

- (1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.
- (2) When an overhead line of voltage exceeding 650 passes above and adjacent to any building or part of building it shall have on the basis of maximum sag a vertical clearance above the highest part of the building immediately under such line not less than-
 - (i) For lines of voltage exceeding 650Volts -3.7 meter upto and including 33,000Vs
 - (ii) For lines of voltage exceeding 33 KV – 3.7 meter plus 30 meter for every additional 33,000 Volts or part thereof.

Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 clause 4. Period for Giving Supply New Connection (including Temporary Connection)/Additional Load/ Reduction of Load mandates the duty of Licensee to supply on request as follows: “Every distribution Licensee shall, on receipt

of an application from the Owner or occupier of any premises, give supply of electricity to such premises within the specified time subject to payment of fees charges and security and the due fulfillment of other conditions to be satisfied by such owner or occupier of the premises” Now admittedly the occupant gave the said premise for development and constructed three storied apartment. As such the Respondent is bound to supply the required electricity supply to the said occupants of the newly constructed Building but on the inspection site the Respondent found that no clearance between the developed building and EHV line was maintained.

During the hearing, the Respondent produced notice issued by Additional Executive Engineer 220KV line sub division Kalwa to the applicant to shift the illegal construction near the EHV line on date 26/02/2018 to avoid the accident. From the above it is clear that the officer of EHV lines who responsible for repairing and maintenance issued the notice when the construction was going on and informed to the applicant it is necessary to take the permission of licensee and electric inspector when the construction is in proximity to the line but the applicant did not take care of it and not maintain proper distance from EHV line. The applicant submitted the survey report from Royal surveyor to show that the distance of the line of EHV line from his building is 3.17 meters. The distance between the EHV line from building should be maintained as per standard mention by Central Electricity Authority Regulation which state that for lines of voltage exceeding 33 KV – 3.7 meters plus 30 meter for every additional 33,000 Volts or part thereof, It clearly shows the distance between building and 100KV EHV line is not maintained as per standard mention by Central Electricity Authority that may causes damages to property and prone to accident. Hence the consumer fails in his grievance .Therefore; I proceed to pass following order;

ORDER

This application in case no 123 /2018 dismissed.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051”
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon’ble Maharashtra electricity Regulatory Commission for non-compliance, part compliance or
- c) Delay in compliance of this decision issued under” Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.