

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR /U/2005/05.
Date of Filing: 01/06/2005.
Date of decision: 20/07/2005

M/S Mallikarjun Sales & Services -- the Consumer Complainant.

V/s

**MAHARASHTRA STATE ELECTRICITY BOARD,
(Now known as Maharashtra State Electricity
Distribution Co. Ltd.)**

The Distribution Licensee.

Sub: Grievance under the Maharashtra Electricity Regulatory Commission,
(Consumer Grievance Redressal Forum and Ombudsman)
Regulation 2003

The consumer complainant M/S Mallikarjun Sales & Services, running a business of petrol pump at Gut No. 403 ,Near Chikalthana Octroi Naka, Jalna Road, Chikalthana ,Aurangabad has filed its grievance in annexure “ A “ before this Forum on 01.06.05. under regulation No. 6.5 of the Regulation 2003. A copy of the grievance was forwarded on 03.06.05 to the Nodal officer and Executive Engineer (Adm.),in the office of the Superintending Engineer, urban Circle, Aurangabad, with a request to furnish his response on or before 20.06.05 and hearing in the matter was fixed on 23.06.05.

The contention of the consumer in the grievance is that, he has submitted A-1 application form for electricity connection of 35 Kw for his petrol pump at Gut No. 403, village chikalthana , Aurangabad. on 19.03.2004 . It is further contended that he was issued a demand note vide letter No. EE/AUR/U-II/TS/2272 dt. 18.05.04 for Rs. 1,69,332/ towards payment of outright contribution and that he has paid the same on 21.05.04 vide receipt .No. 1710092 dt. 21.05.04. He has also paid Rs. 34101/ demanded from him vide firm quotation No. 320 dt. 22.05.04 towards payment of meter cost, security deposit etc. The receipt No. of the said payment is 1710113 dt. 24.05.04. He has also submitted test report bearing No. 42590 on 21.05.04 to D.L.. It is further contended that after given to understand that the electricity connection will be provided from rural line network , he requested D.L. authorities to provide the electricity connection from urban area as there is 5-6 hours load shedding on rural lines of the D.L. He has further given the consent of making additional payment, if required, for making arrangement for providing electricity connection from distribution lines of urban area . After considering his request the D.L. again issued him revised demand note of Rs. 1,44,333/ vide letter No. EE/AUR/U-II/TS/5725 which he has paid vide receipt No. 17565549 on dt.27.10.04.

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The consumer vide his letter 29.10.04 ,informing the Dy.Executive Engineer about having paid the required quotation, requested to provide the supply from urban lines of D.L. However since the supply , as requested , was not provided the consumer has come to the Forum with request to direct the D.L. to provide the electricity supply.

No response, as requested was filed by the D.L. up to 20.06.05.However on the date of first hearing i.e. on 23.06.05, the Nodal Officer filed his response. On the date of hearing the representative of the consumer and the Nodal Officer along with his assistant was present. The Nodal officer in his response admitted the contentions of the consumer so far as facts relating to quotation, payment etc were concerned. The Nodal officer further contended that the Executive Engineer world Bank Project Division, Aurangabad objected to the erection of poles as it was within a distance of 15 Meter from the center of the road . It is further contended that the Ex.Engineer World Bank Project also informed the D.L. that if the poles are erected within that distance, they will be removed and expenses therefor will be recovered from the D.L. The Dy. Executive Engineer , it is further contended that , tried to erect poles outside 15 meter distance , but the concerned land owners objected. It was further contended that the consumer is aware of these facts . The Nodal officer contended his inability to release the supply from urban lines due to facts stated above.

On the date of first hearing, the Nodal officer expressed his inability to provide supply. The representative of the consumer stated that while preparing estimate of quotation, the D.L. must have or should have taken this factor into consideration. Since all the relevant facts relating to this aspect were not produced before us, the parties were directed to produce evidence regarding the entire road width, distance of road boundary stones from center of road, ownership of land in which poles are required to be erected as per directives of World Bank Project division . The case was therefore was adjourned to 07.07. 05.

At the time of hearing on 7.7.05, the consumer's representative as well as the Nodal officer along with his two assistants. was present on behalf of D.L. The Nodal officer filed the reply stating that a meeting was taken between Dy.Ex.Engineer & representative of consumer and some agreement was reached and the work was to be started after communication from the representative of the consumer , who stated that he will resolve the matter with the so called neighbour. The representative of the consumer present for the hearing stated that he does not know anything of this .From the report filed by the Nodal Officer, it appears that the representative of the consumer that was present for meeting was one Mr.Shankar.

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The consumer's representative, present for hearing, states that he is brother-in-law of the owner of the pump. Since the representative of the consumer present for the hearing did not know anything about the agreement, hearing was adjourned to 14.7.05.

On 14.7.05, consumer's representative as well as Nodal officer along with his two Asst. was present on behalf of DL. All the three members of the Forum including the new member secretary Shri V.G. Joshi were present. The representative of the consumer filed a copy of letter from the Ex.Engineer World Bank Project division stating that the width of Aurangabad- Jalna road is 30 Mtr. and he has no objection for erection of poles at a distance of 15 m from center of the road. The Nodal officer also filed report on 14.7.05, stating that when they tried to start the work after measuring 15 M from the center of the road, some plot holders viz. Jaiswal, Patni, Navpute etc objected stating that the plot belongs to them. and therefore work could not be carried further. Since no comprehensive view of the matter was taken and the statement of the Nodal officer having measured the distance and the point falling in private land cannot be taken as authoritative version, the parties were directed to approach the World bank Project authorities of the PWD with specific queries as mentioned below.

1. Width of the road which is in ownership of PWD
2. The horizontal distance between two road boundary stones
3. Whether PWD is required to acquire any additional land

The hearing was therefore adjourned to 20.7.05

On 20.7.05, the consumer's representative as well as Nodal officer along with his two Asst. were present. The representative of the consumer filed copy of the letter dt.19.7.05 from EE WBP division stating that the place where the poles can be erected has been shown to the DL officers. The Nodal officer has filed two letters---- one dt. 14,7.05 from Dy. Ex.Engineer, MSEDCL to Ex.Engineer, World Bank Project and second dt.16.7.05 from Ex.Engineer World Bank Project to Dy. Ex.Engineer to MSEDCL. The letter 14.7.05 seeks to get replies on the queries raised by the Forum in its hearing dt. 14.7.05. The Ex.Engineer World bank Project division vide his letter dt. 16.7.05 informed the D.L. that the width of A'bad-Jalna road is 30 Mtr and he has no objection to erect the electricity poles at a distance of 15 M tr. from center of the road. Though all the queries raised by the Forum did not get replied, on specific query the Dy.Executive. Engineer stated that the line on which the electricity poles are to be erected, as shown by the world bank project division authorities falls on line connecting two road boundary stones.

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Considering all the facts stated above , we are of the view that the concerned officers of the D.L. did not give proper thought to the grievance of the consumer due to which it was not solved for a considerable long time .In light of the letters issued by the Ex.Engineer, World Bank Project division to consumer as well as to Dy.Ex.Engineer, we do not find any hindrance or problem in execution of work and release of connection.

We are therefore of the view that there is no objection whatsoever in granting relief as asked by the consumer in his grievance . The petition of the consumer is allowed .

We therefore direct that the D.L. shall release the electricity supply from urban lines after undertaking the necessary preparatory work at the earliest.

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.KAPADIA)
Member

(V.G.JOSHI)
Member Secretary

(R.K.PINGLE)
Chairman

