

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM ,
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/U /319/ 2010/ 46

Date of Filing: 30.12.2010

Date of Decision: 25.04.2011

Chairman, Global Medical Foundation,&
Dr.Nayana Research Centre, N-3, Plot No.302, CIDCO,
Jalna Road, Aurangabad.

(Consumer No.)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.
Urban Circle, Aurangabad.

Coram:	Shri V.B.Mantri	President
	Shri V.S.Kabra	Member
	Shri P.A.Sagane	Member secretary

Sub: Grievance under the Maharashtra Electricity
Regulatory Commission, (Consumer Grievance
Redressal Forum and Ombudsman) Regulations
2006.

The consumer has filed his grievance in Annexure "A"
before this Forum on 30.12.2010 under Regulation No. 6.10 of the
Regulations referred to above. A copy of the grievance was forwarded on
31.12.2010 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 the grievance within a period of fifteen
days and hearing in the matter was fixed on 17.01.2011

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The consumer stated his grievance as below:

01. The Consumer, Global Medical Foundation & Dr. Nayana Research Centre, is a charitable institution rendering Medical Service to the needy and poor patient at the LIC premises N-3, Jalna Road, CIDCO, Aurangabad. Since the year 2002 the consumer had taken the electric supply from LIC on the mutual understanding and agreement lease deed dated 26.04.2002. The LIC is a HT consumer of (Maharashtra State Electricity Distribution Company Ltd. (hereafter called as D.L). The LIC have disconnected the electric supply for past several years due to which the complainant is unable to provide Medical services. The consumer requested LIC to resume its electric supply several times but LIC have not reconnected the electric supply.

02) On 7th July 2010 consumer has applied for new electric connection of 5 KW load to D.L. under prescribed format. The consumer further states that inspite of his constant followup with D.L. his connection was not released . Finally consumer approached to this Forum and requested the Forum to issue direction to D.L. to release his pending electric connection.

03) The hearing of above matter was taken on 17.01.2011, 30.01.2011, 08.02.2011, 18.03.2011, and 06.04.2011. The consumer submitted his reply and states that the complainant is the tenant of LIC of India. The D.L. has already issued HT connection bearing consumer No. 49001903717 with connected load 180 KW and contract demand 100 KVA to LIC of India. The application of the complainant is pending for the want of No-objection certificate of owner i.e. LIC of India. Further he states that as per the instruction of Managing Director of D.L. LT connection can not be given in the same premises of LIC as HT supply is already available. Moreover LT network is not available nearby the above premises. The consumer states that the LT supply is available behind the premises of LIC and connection can be easily given to him. The Forum decided to inspect the premises of consumer to confirm the availability of LT supply. Accordingly, spot inspection was taken on date 16.03.2011

04) On 16.03.2011 Member/Secretary along with the consumer Member of Forum Nodal Officer and consumer representative Shri P.G.Deshpande were present on the spot. The following observations are made by this Forum on the spot inspection.

- 1) Complainant is (the tenant of LIC in having legal) occupation of the premises.
- 2) LIC premises is having 11KV HT supply
- 3) LIC has extended the LT electric supply to (his tenant namely (I) Corporate Bank, (II) DRT court, (III) New India Assurance Company, (IV)Income Tax Office

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- 4) Electric supply of complainant is disconnected by LIC and matter regarding the eviction of the premises is pending in the Court.
- 5) LT supply is available behind the LIC premises given to SAI ARCADE from existing 100 KVA Distribution Transformer No. 4395574
- 6) 5 KW load can be released from above 100 KVA Distribution Transformer with underground LT cable of 70 RMT. Length.

05) On date 18.03.2011 LIC of India has submitted one objection petition in the present case. The parties to make their submission regarding objection petition matter is posted for further hearing on 06.04.2011. Due to the application of LIC as a third party order in this case is delayed more than 60 days.

06) On 06.04.2011 the Nodal Officer has appeared and filed his additional reply to the complaint. Nodal Officer has opposed for providing new electric supply by virtue of application of the complainant, mainly on the ground firstly that, the complainant should produce "No objection Certificate" from the land-lord i.e. LIC of India. Secondly on the ground that LIC of India is a HT consumer of D.L. and in the same premises LT network is not available, and thirdly that power supply of 11kv voltage level is already released by D.L. to LIC of India then, in the same premises of LIC building, power supply of LT 240/460 Voltage level can not be released. Heard both the sites in length and matter kept for decision.

07) The argument and documents placed before the Forum reveals that there are three objection as above raised by D.L for not extending the new connection to the complainant. During pendency of hearing of the grievance, the land-lord, LIC appeared Suo-Motu and objected for new connection to the complainant. The main objections raised by the LIC are that the LIC has leased out ground floor measuring 2060 Sqft. Area to the complainant tenant, under registered lease agreement dated 26.04.2002 only for the period of three years. Electricity supply was provided to the complainant through the sub-meter. The tenant, however did not pay service tax, N.A.charges, water supply charges as per lease agreement inspite of several reminders and legal notices. The tenant failed to pay defaulted amount therefore, LIC filed application for eviction of tenant and for recovery of arrears of rent and other dues. The Estate Officer has also passed an order on 18.02.2009 for eviction and for recovery of arrears for rent and therefore there is no question of granting electricity connection to the complainant .

08) Considering the submissions so made on behalf of respective party, the following points arised for our consideration. Taking into account the scope, objection and spirit of Maharashtra Electricity Regulatory Comission Regulations 2006, we the member of the Forum determine, our findings to these question of controversy as follows:-

- 1) Whether the Distribution Licensees committed any fault in performance which has been undertaken to be performed by the licensees resulting in the grievance of the consumer for redressal at the hands of this Forum ? Yes
- 2) What redressed order ? As follows

09) In the present case, the applicant has applied for separate connection to the premises occupied by it. The application is made as per the clause 4 of MERC Regulations. It is then for the D.L. to give supply of electricity to such premises within one month after receipt of application as per Section 4.1 of Regulations 2005. The D.L. failed to give such supply and thereby failed to perform its duties. The Nodal Officer failed to point out any circular/legal position under which “No-Objection Certificate “. from Land lord is required for supply of electricity to the premises. The grievance of the complainant thereby comes under the scope of consumer. The D.L. has committed fault in performance of the duties as per Section 4.1 of MERC Regulations and therefore it resulted in the grievance of consumer to be redressed at the hands of this Forum.

10) In order to determine, whether ,LT connection can be extended to the complainant or not, the technical member alongwith the consumer member of this Forum personally did spot inspection and found that, such LT connection can be extended. Hence we find no force in second and third objection raised by the D.L.

11) The objections raised by the LIC regarding arrears of rent and termination of tenancy are pertaining to the disputes relating to respective competent courts or authorities. In the present case, the complainant is running charitable institution and rendering medical eye services to the needy patients which can not be rendered in absence of power. We the members of this Forum are hereby of the opinion that, the grievance application should be allowed and separate connection can be given to the complainant as per Section 4.1 of MERC Regulation 2005.

- 12) The D.L. shall give separate connection to the applicant on observing all the formalities as per MERC Regulation under Section 4.1.

The application of the complainant /consumer is thereby required to be allowed. This Forum therefore proceed to pass following order.

ORDER

- 1) The grievance of the complainant is allowed.
- 2) The Distribution licensee is hereby directed to give electricity connection to the complainant within 30 days from the date of this order on observing required formalities.
- 3) Inform the parties.

(V.S.Kabra)
Member

(P.A.Sagane)
Member/Secretary

(V.B.Mantri)
Chairperson

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