



**CONSUMER GRIEVANCE REDRESSAL FORUM,
MSEDCL, BARAMATI ZONE, BARAMATI.**

Case No.: 17/2014

Date of Grievances: 24/07/2014

Date of Order: 14/01/2015

In the matter of unauthorized supply to other consumers from DDF.

Mr. Milind Purushottam Deshpande
Ganeshdeep Apartments,
Plot No. 87, Mayur Colony,
Opp. Jog School, Kothrud, Pune.

Complainant
(Herein after referred to as Consumer)

Versus

The Supdt. Engineer,
M.S.E.D.C.L.,
O&M Satara Circle, Dist-Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

Chairperson
Member Secretary

Mr. S.N. Shelke
Mr. S. M. Akode

Appearance:-

For Consumer: -

1) Mr. Milind Purushottam Deshpande

For Respondent: -

1) Mr. R.B. Mane, Exe. Engineer (Adm.)

1. The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
2. Being aggrieved & dissatisfied by the order dated 29/04/2014 passed by IGRC Satara Rural circle, Satara the consumer above named approaches the forum on the following grounds amongst others.
3. The papers containing the above grievance were sent by the forum to the Executive Engineer, Baramati Division vide letter No. EE/BMTZ/CGRF/No.3438 Dated 30/07/2014. Accordingly by the Distribution Licensee, MSEDCL, filed its reply on 19/08/2014.

[Handwritten signatures]

4. We heard both sides at length, gone through the contention of the consumer and reply of the respondent & documents placed on record by the parties. On its basis following fActual aspects were disclosed
- i) The Consumer had applied for electric connection at Gat No.357 & 358 situated at village, Mirje , Tal.-Khandala, Dist. Satara i.e. for 31Nos. L&F connection (165 KW) under DDF Scheme.
 - ii) The Supdt.Engr. Satara, issued estimate vide no.SE/STRC/T/09285 dt.2.07.2011
 - iii) The Licensee issued firm quotation to the consumer for Rs.9800/- on 23.10.2011.
 - iv) The consumer made payment of said quotation on 17.11.2011
 - v) Under the said scheme the consumer was required to complete all installation/errection & commissioning of electric pole, transformer & overhead lines as per estimate given by the licensee.
 - vi) The supply was proposed from 22KV Jawale gaothan feeder under which 22KV HT Line, transformer with accessories were proposed for an estimate of Rs.937080/-
 - vii) The consumer executed the work through Licensed electrical contrActor under the supervision of Licensee MSEDCL
 - viii) After compliance, the supply was released in the month of Jan.2012
 - ix) The consumer noticed somewhere in the year 2013 that Licensee has sanctioned electric supply to 3 other consumers by taping the said HT Line.
 - x) The consumer approached to Khandala Sub/Dn., where the concerned officers informed him the said line is property of Licensee & therefore Licensee is authorized to give supply from the said line to other consumers.
 - xi) Consumer approached to IGRC Satara, with the said grievance. The IGRC Satara under the impuned order dt.29.04.2014 rejected the said grievance.
5. Consumer Mr. Milind Purushottam Deshpande submitted that he had applied for 30 nos. 3 phase residential connection in the name of members of Anandwari Co-Op.Hsg.Socy.,at Gat No.357 Mirje , Tal.-Khandala, Dist. Satara, & the scheme was sanctioned vide letter dtd.02.07.2011 (Phaltan Dn.) Under the scheme consumer has paid 1.3 % normative charges of Rs.9800/- vide MR No.2805443 dtd.17.11.2011. The supply was proposed from 22KV Jawale gaothan feeder & proposed estimate was of Rs.9,37,080/- The consumer executed the work through licensed electrical

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contractor under the supervision of MSEDCL. The said supply was sanctioned under DDF Scheme, therefore HT Line, DTC & other facilities erected by the consumer ought to have remained dedicated for the consumer & licensee is not authorized to give supply to any other consumer using the same facilities. He further submitted that the authorities of the Licensee told him the said line is property of the licensee & it has authority to give supply from the same to other consumers. He further submitted that supply was given to him under DDF. If any line is required to be laid from the common network exclusively for the DDF consumer, it cannot be treated as common net work or extension thereof. This line is dedicated to the consumer or group of consumers only. Therefore the Act of licensee providing supply to other three consumers from said line is against the provision of the electricity Act 2003 & MERC supply Code 2005. He placed reliance to the case no.36/2013 decided by MERC dtd.23.11.2012.

6. On the other hand MR.R.V.Mane, Exe. Engineer, Satara Circle, submitted that the consumer was provided with DDF facility in terms of regulation 2.1 (g). As per definition of delegated distribution facilities, service line of the licensee does not include in the DDF. He further submitted that at the time of application for supply under DDF, the said consumer had not made specific demand to connect supply from Sub/station. He has not contributed for erection of line from the sub-station Mirje. Other three consumers have given supply from the H.T.line. If separate line is erected from Sub-stn., for such other three consumers it will create many problems. The said three consumers are not connected through the transformer of the said consumer and no any inconvenience or any loss or damage has sustained to the said consumer. Grievance application of the consumer is frivolous & may be rejected.
7. Question for determination is that whether the supply given to three other consumers from the H.T. line is illegal. Secondly whether the supply of three consumers' needs to be disconnected & lastly whether the consumer is entitled to get compensation. Our findings on the above mentioned points are in the negative for the reasons stated below:-
8. Definition of dedicated distribution facilities as laid down in regulations 2.1 (g) of MERC (Electricity supply code & other condition of supply) Regulations 2005 is as under

(g) Dedicated distribution facilities means such facilities not including a service line, forming part of the distribution system of the Distribution Licensee which are clearly and solely dedicated in the

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supply of electricity to a single consumer or a group of consumers on the same premises or contiguous premises.

9. Sub-Section (19) of Section 2 of the electricity Act, 2003 provides for distribution system. It reads as under

(19) Distribution system means the system of wires and associated Facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers.

10. In case No.36 of the 2012 vide order dtd. 23.11.2012 MERC observed as under

On critical analysis of the definition of DDF and its interpretation given by the Commission in Case No.56 of 2007, it is clear that the stand taken by the opponent in case No.148 of 2011 is not exactly the same as ruled by the Commission. It is apparent that the Commission has distinguished the common network and DDF. If any line is required to be laid from the common network exclusively for the DDF consumers, it cannot be treated as common network or extension thereof. This line is dedicated to the consumer or group of consumers only.

11. Regulation 2.1(m) of MERC (SOP of distribution licensees, period for giving supply & determination of compensation) Regulations, 2014 defines express feeder as under-

(m) "Express Feeder" is a feeder emanating from the Licensees sub station to connect to a single point of supply, which also includes dedicated distribution facility (DDF).

12. In the present case consumer applied for DDF for his premises situated in Land G.No.357. MSEDCL Sub-station is at Mirje. From the said sub-station upto Jawale gaothan 22KV H.T.Line has been erected for all types of HT & LT consumers. Therefore the said common network is the "Non-express feeder". The said common network is of the distance 12Kms in length. The said consumer has not specifically applied for supply from Mirje Sub-station HT line provided upto the premises of said consumers with the expenses of said consumer having its length about 2 Kms. As per definition of Express feeder referred to above feeder emanating from the Licensees sub-station to connect to a single point of supply which also include DDF. Therefore in the present case the HT Line erected under DDF scheme from Jawale Gaothan feeder upto premises of consumer cannot be said as Express feeder. The line erected on behalf of consumer is not from Mirje sub-station. It is from Jawale Gaothan. Moreover other three consumers have not been provided with

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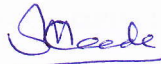
supply from the Transformer erected in the premises of the consumer. The present consumer has not exclusively contributed for the erection of H.T.line from Mirje Sub-station upto the said transformer. Therefore the said consumer has no right to seek disconnection of other three consumers nor he is entitled to get any compensation as claimed by him. Moreover the said consumer has not caused any inconvenience for any loss or damage due to providing of supply to the said other three consumers. As per the rule of convenience, it is not possible for the Licensee to provide supply separately by erecting H.T.Line separately for each and every consumer. Under the circumstances the grievance of the consumer needs to be dismissed.

12. The said grievance could not be disposed of within stipulated time since the Chairperson of this forum was retired on 28/07/2014 & present Chairperson joined on 8/12/2014.

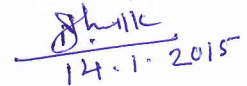
Hence the Order:-

ORDER

- 1) The grievance of the consumer is hereby dismissed.
- 2) No order as to cost.



Mr. S. M. Akode
(Member Secretary)
CGRF:BMT ZONE:BARAMATI


14.1.2015

Mr. S. N. Shelke
(Chairperson)
CGRF:BMT ZONE:BARAMATI

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

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex,
Bandra (East), Mumabi-51.