

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 262

Hearing Dt. 04/05/2009

**In the matter of new connection**

**M/s. Mishra Builders** - Appellant

Vs.

**MSEDCL, Vashi Circle, Navi Mumbai** - Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri R.M Chavan, Chairman/Member Secretary, CGRF, Bhandup.
- 2) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri Suraj Chakraborti, consumer representative.

**C - On behalf of Respondent**

- 1) Shri Humane, Dy. Ex. Engr., Airoli S/Dn.

## **Preamble**

Consumer registered his grievance with this Forum on 16/04/2009 vide case no. 262. He was aggrieved with the decision given by ICGRU, Vashi Circle vide letter no. SE/VC/Tech/IGRF/No. 1592, dtd. 6<sup>th</sup> March 2009. Accordingly, hearing was fixed on 04/05/2009. Both the parties were present during the hearing.

## **Consumer's Say :**

M/s. Mishra Builders and developers applied for LT power supply for their residential and commercial complex situated at plot no. 30, sector 7, Airoli, Navi Mumbai under the name of Friends Co.Op. Society. They had applied for 61 nos. of LT connection with total load of 143 KW + 35 HP under DDF scheme. The total cost of estimate was Rs. 1,67,718/- and 1.3% supervision charges which comes to Rs. 2180/-. Consumer paid the supervision charges and SCC + SD for all the connections.

Meanwhile consumer refuses to provide transformers as it involve huge expenses and requested utility to give power supply on existing transformer and also ready to carry out work at his own cost under ARR/Non DDF scheme. Accordingly Dy. Ex. Engr. prepare revise estimate and submitted the same revise estimate to the Ex. Engr., Vashi Division, which subsequently sanctioned by the Supdt. Engineer, Vashi Circle, Vashi under ARR/Non DDF scheme vide letter no. SE/VC/Tech/T-1/3862, dtd. 26/06/2008 with total cost of estimate Rs. 3,18,618.

The above sanction was given to the Friends Co.Op. Society from existing transformer center at Palm Spring Building. The tenant of Palm Spring building raises an objection to give the supply to the Friends Co.Op. Society as they had taken the supply under DDF scheme.

Accordingly, the consumer purchased the cable of Rs. 2,78,720/- on dtd. 1<sup>st</sup> July 2008. The cable was laid down by the consumer digging the NMMC road to laid down the LT line.

It was necessary to take the permission of NMMC by utility prior to dig the road. Hence NMMC forfeited the consumer's 200 Rmt. cable.

As per consumer's opinion, their connection was approved under non DDF scheme. Hence it is a duty of the MSEDCL to take the permission from NMMC for digging of the road and the RI charges should be paid by MSEDCL.

There are two nearby transformers of MSEDCL to our premises but MSEDCL has purposely sanctioned the estimate from another network, which is far away from the site.

As per MERC order no. 56 of 2007 dtd. 16/02/2008 and C.E. circular dtd. 20/05/2008, it is the duty of the MSEDCL to provide connection under non DDF scheme whose load is lower than 500 KVA. Our load is not more than 500 KVA but MSEDCL is pressuring us to take the supply under DDF scheme.

**Prayer of the consumer :**

- 1) To provide electricity connections under Non-DDF scheme within 30 days
- 2) The cost of all lines infrastructure should be bared by MSEDCL
- 3) The necessary RI charges should be paid by MSEDCL to NMMC.
- 4) To provide the electricity connection from nearby transformers.
- 5) To grant us the interest of 18% P.A. on our security deposit and service line charges.

- 6) To provide us the compensation as per MERC (period of giving supply and (determination of compensation) Regulations 2005. The SOP may be attracted in this case and the fine should be recovered from the salaries of concern officers.
- 7) Grant us Rs. 278720/- as our loss due to non-availability of power since years. The amount of loss Rs. 278720/- should be recovered from the salaries of concerned officers of MSEDCL.
- 8) To provide us the compensation of Rs. 20,000/- for our mental harassment from the MSEDCL.
- 9) To provide us Rs. 278720/- for our expenditure on cable. The cable is forfeited by NMMC at the fault of MSEDCL.
- 10) Any other relief as may be deemed fit by hon'ble Forum.

**Utility say :**

- 1) The technical estimate for giving power supply to the said premises was sanctioned under DDF scheme as per consumer's willingness on undertaking given by him on dtd. 19/10/07.
- 2) M/s. Palms Spring Society has objected to extend load from their S/stn. to the said complex, hence the estimate was revised under ARR/Non DDF/CC & RF scheme & S.E. V.C., Vashi vide his order no. 3862 dtd. 24/06/08 sanctioned estimate as per request letter received from the consumer M/s. Mishra Builders and Developers. Release order was given vide S.E. O.L. no. 3863, dtd. 26/06/08.

- 3) The estimate was sanctioned ARR/Non DDF/CC & RF scheme as said above and permission to execute works by the party under the supervision of MSEDCL has given in the release order no. SE/VC/3863, dtd. 26/06/08. The works were pending due to non compliance of the terms and conditions by M/s. Mishra Builders and Developers and it was reminded to him orally as well a through letter from Dy. E.E., Airoli S/Dn. vide letter no. Dy.EE/A/T/3178, dtd. 19/09/08 & Dy. EE/A/T/466, dtd. 04/02/09. Compliance from M/s. Mishra Builders and Developers is still awaited.
- 4) The revised proposal was prepared considering technical feasibility as the nearest transformer is over loaded as the additional load cannot be accommodated on the transformer.
- 5) The party might not have gone through the terms and conditions given in the estimate and sanction order given by S.E., V.C., Vashi, because the scheme itself indicates that the work should be carried out by the party under the supervision of MSEDCL and it is not for MSEDCL to execute the work.
- 6) The estimate is sanctioned as per consumer's request and the consumer is at fault as he has not complied the letters given by Dy. E.E., Airoli and MSEDCL is not responsible for the delay and there is no question of harassment from MSEDCL. Further NMMC Ward Officer vide his letter no. 156/09, dtd. 14/01/09 had informed that some of the floors of the said building are illegal and instructed that without NOC/completion certificate from NMMC, connections should not be released. Considering the above points it is evident that MSEDCL is at no fault for electric supply to M/s. Mishra Builders and Developers.

**Observations :**

The matter was heard on 04/05/2009, Shri Suraj Chakraborty was present to represent from appellant side and Shri K.D. Humane was representing on the behalf of respondent. On perusal of records and deliberation of both parties the Forum observed the irrelevant order passed by ICGRU, Vashi Circle that consumer should apply for power supply in ARR/Non DDF scheme and submit consent to utility for withdrawal from DDF scheme vide its order SE/VC/Tech/IGRF/No. 1568, dtd. 06/03/2009, where as revise estimate was already sanctioned under this scheme by the authority vide SE/VC/Tech/T-1/3862, dtd. 26/06/2008. Hence ICGRU order set aside by the Forum. Forum also observed that appellant have frequently changes his mode of demand i.e. first applied under DDF scheme, then agreed for ARR scheme and now demanding under non DDF scheme which also cause for delay in giving power. On the other hand respondent also prepare an estimate wrongly to release supply from transformers without consent of resident of Palm Spring building already connected under DDF due to which objection was been raised to lay down the cable for release of power supply.

After going through the papers of both the parties Forum feels that consumer is inclined to get his connection under non DDF scheme and express his inability to carry out the work under ARR/Non DDF scheme. As per regulation laid down by MERC if the consumer demands the supply under DDF scheme, it is responsibility of utility to carry out the work on their own cost. The appellant submitted his application on 12<sup>th</sup> March 2009 under non-DDF scheme.

As per MERC order in case no. 70 of 2005 dtd. 08/09/2006 LT non domestic/LT Residential consumer's or group of LT consumers of non domestic/residential complex where the load is less than 500 KVA located within the area falling within the limit of 5 km of Municipal Corporation, in such cases all the infrastructure should be created by utility and only schedule of charges as approved by MERC should be recovered. In this case, consumer's total load is 143 kw and 35 HP i.e. 169 kw which comes

to around 188 KVA. Hence the above MERC order in case no. 70 of 2005 is applicable to this consumer.

Moreover, the misc. charges viz-reinstatement of road charges (R.I. charges), digging charges etc are to be borne by utility, The utility received a letter from Ward Officer of "G" zone, NMMC Airoli, not to release the connection till submission of possession certificate by the builder and stating that upper two floors of M/s. Mishra Builder & Developers, Plot no. 30, Sector 7, Airoli is unauthorized and having no possession certificate, hence requested not to release electric connections till submission of possession letter. On this ground Forum asked to submit required NOC/possession certificate to the consumer. Utility should execute the work only after submission of NOC/possession certificate by the consumer.

## **ORDER**

- 1) Consumer should submit fresh application for new connection under Non DDF scheme.
- 2) Utility should carry out the work of infrastructure under Non DDF scheme as per rules and regulations laid down by MERC
- 3) Utility should execute the work only after submission NOC/Possession certificate by the consumer.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 30 May2009.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR  
MEMBER  
CGRF, BHANDUP**

**R.M. CHAVAN  
MEMBER SECRETARY  
AND I/C CHAIRMAN  
CGRF, BHANDUP**