

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/10/135

Date: 23.08.2017

Case No.10/2017

Hearing Dt. 25.05.2017

**In the matter supply of new electricity connection to the supply premises of consumer
non observation of SOP order by respondent utility**

Mr. Suresh M. Patil,

Purna Village, Pipe line Road,

Bhiwandi-421302

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Applicant

Vs.

M.S.E.D.C.Ltd., M/s TPL Ltd., Bhiwandi

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Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Archana G. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

1. Shri. Sajid Ansari - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Mr. Dhope Satish K, deputy Executive Engineer, MSEDCL, Bhiwandi.
- 2) Mrs. Hemangi Mayekar, Assistant Engineer, TPL, Bhiwandi.

Consumer No.

**013275772113,013275772121,013275772130,013275772148,013275772156,
013275772172,013275772199 category residential single phase**

1. Above named consumer complainant filed the complaint against the respondent utility stating that all the consumer is representative capacity occupying the premises on the above named given address. They applied for new electricity connection to the premises to the respondent utility M/s. TPL Ltd., by making application in profarma for obtaining new connection. It is prayed by the consumer in representative capacity there demand of electric power supply is not more than 500KVA and the said premises complex are situated near by locality. The higher authority visited the premises and conform the load is less than 500KVA. Therefore consumer pray for revised infrastructure including DTC to the complex and immediate release the supply as demanded by the consumer at earliest. Initially the consumer completed the formality and made application on 23.09.2015 and demanded supply to the premises at earliest. Initially the consumer approach to IGRC being the supply applied was not release by respondent utility M/s. TPL Ltd., within stipulated time. Therefore they made application along with all the correspondence to the respondent utility on 13.02.2017. After receiving the said application IGRC registered Case No.16-17/06 on dated. 21.04.2017. IGRC pronounces the order against the consumer and dismiss the application for early release of supply single phase to the premises on demand of consumer. Being dissatisfied with the said order of IGRC consumer approach to the Forum and filed application in Schedule 'A' on 02.05.2017. Consumer pray for earlier supply of connection to the premises as they non observation of SOP order regulation by respondent company and take necessary action and further give direction to the respondent utility accordingly. After filing the said dispute notice was issued to the consumer and respondent utility on 08.05.2017. After receipt of notice respondent utility appeared and file reply on 03.03.2017. Respondent utility submitted that the request application made by c representative of consumer for the premises for erection of new transfer

at Shree Datta Nagari, Purna Village, Bhiwandi, District Thane. According to respondent utility in the same complex respondent utility received letter on 21.10.2016. Accordingly consumer agree to approach to utility for further discussion and consumer was inform that installation of own transformer to DDF Scheme which was sanction and further necessary correspondence agreement and application required to made. Respondent utility further inform that their representative carried out survey and observe in the premises in Shree Datta Nagari, residential and commercial complex consisting purpose 21 building and approximately 252 flats and 84 shop. It is also revealed from the inspection and verification of the locality that the requirement at the Datta Nagari residential complex which is propose required more than 500KVA load and as per MSEDCL Circular CE(dist)/D-III/Circular 22197 the consumer required to take Distribution transformer under DDF Scheme and prepared estimate which is already send to consumer. The respondent utility requested to consumer to complete the formality as per Rules and Regulation and follow the Circular also directed to contact concern office customer care centre earliest.

2. After perusing rival contention of consumer and respondent utility the proposal of earliest connection is disputed and not given within stipulated time following point arose for our consideration to which I have recorded my findings to the point further reason given below.
 1. Whether consumer entitled for new electricity connection to the premises given and load propose all requirement of connection purpose to be given in the premises is below 500KVA.
 2. Whether consumer is required to execute procedure and follow the guidelines under DDF scheme.
 3. Whether consumer is entitled for any relief.
 4. What order?

Reasoning

5. I have given opportunity to consumer and his representative who appear before the forum on given date. I have perused application made to IGRC cell by the consumer in representative capacity. The dispute in brief the consumer who made application for new connection under the dispute are occupying member of the premises flat purchase by them. The application at initially stage given to the respondent utility verified and minute scrutiny by this Forum. It appears that part of the occupant made application individually to the respondent utility and demanded residential electricity connection at the premises. Consumer informs the application given to the respondent utility on 1.01.2016. It appears from the contention of the application that the part of the consumer demanded new electricity connection for their new individual residential flat premises. After receiving the said application the representative of authority M/s.TPL visited the premises and found there are more than 252 flat and 84 Shop situated in the premises where the propose connection required to be given and therefore the consumer premises required independent transformer at the own cost. The proposal was sent for execution of agreement and follow necessary procedure by respondent utility. But consumer in representative capacity not ready to execute any agreement or follow the norms required for new connection infrastructure to be raised as premises. Respondent utility submitted Circular issued head office regarding norms and Rules and Regulation and Guideline for new connection argumentation CE/DISP/D-III/22.01.1997 dated 20.05.2008. I have gone through the content of guidelines and Circular in this aspect Clause No.03 and the retitle of the said Circular give the guideline and required to follow the procedure plan for electrifying area and the new connection under universal supply obligation Section 43 of E.A.2003 and recovery of charges under section 46 of E.A. 2003 of Electric Supply Code of Regulation 2005 and

compliance of MERC order dated. 08.09.2006 in Case 17 of 2005. It appears to me that the consumer in the representative capacity not willing to bear the cost of infrastructure and take advantage of filing individual connection application this aspect is further scrutiny was verified and made by this Forum for satisfaction original agreement of original builder and individual consumer while entering is the agreement of purchase of premises is viewed. There is no clause in respect of raising infrastructure of electric supply under taken by the consumer in fact the agreement disclose that necessary application permission and cost to be bear by society member occupant in the premises. There is no infrastructure plan approved by Grampanchayt of Area nor there is proposed estimate for raising infrastructure under taken by the executants of the agreement which is responsibility of owner to propose to sell the premises assured about electricity connection. This aspect in further considered by respondent utility official and also by IGRC. It appears that reply given by utility the consumer suppress the fact of estimated load required to be connected in the premises. The proposal of sanction DDF Scheme Regulation required to be followed by the consumer but the said proposal was not accepted and followed by the consumer. They have chosen remedy of filing individual connection application and trying to take advantage. The required connecting load is below 500KVA and therefore supply is to be given under the Regulation by respondent Authority as per norms. Therefore during the course of hearing the direction was given to the respondent utility to reconsidered proposal of raising infrastructure under non DDF Scheme but it was not work out contention of the respondent utility surely face on direction and norms as per Circular referred on 20.05.2008. This Forum confirm that required infrastructure and the premises consist 252 flat and 84 Shop all the premises required electricity connection which is more than 500KVA and therefore the consumer required to follow the procedure of

receiving proposal of DDF Scheme under the Circular and direction of respondent utility official. Therefore attempt made by this consumer partly came and filed application individually by depositing amounting in between 3550 and 24560 does not sufficient for the purpose of providing electricity connection to the premises. If they required the connection for entire premises they are prompt to follow pay the charges and entered the agreement under DTC transformer and infrastructure in this circumstances no partly individual relief can be given. Therefore consumer not followed the proper procedure for installation of new connection and erection of new DTC at the premises within stipulated norms. Therefore grievance of the consumer failed on non compliance of proper procedure and not following the Regulation by themselves. Hence, I am not inclined to grant any relief. I proceed to pass following order.

ORDER

1. The consumer complaint No. 10/2017 stands dismissed.

No order as to the cost.

Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.

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

Note:

If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**SHRI. R.S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**