

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

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

Date :

Case No. 420

Hearing Dt. 29/12/2011

Shri Bhagwan Baburao Gavane Floor Mill - Appellant

Vs.

M.S.E.D.C.L., Thane - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.K. Chaudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Kishor Sankhe

C - On behalf of Opponent

- 1) Shri H.V. Dhavare Dy. E.E. Kalwa

**Preamble**

Shri Bhagwan Baburao Floor Mill is a industrial Power Consumer under service no 000023143313 at Jyotirling Floor Mill, Bhalchandra Patil Chawl, Shop no. 1, Survey no. 162, Sahyog compound, Gholai Nagar, Kalwa (E). This electric connection was used to run the floor mill. The said service connection was released on 21/09/2005. The Dy. Ex. Engineer of

Kalwa sub division of utility issued 15 days notice dt. 14/12/2011 to produce the NOC. From corporation for floor mill failure which electric supply will be disconnected. The consumer therefore rush to this Forum for interim relief against the disconnection of power supply.

**Consumer Say :**

Shri Kishor Sankhe was present to represent on the behalf of consumer (here in after will referred as to the Applicant) The Applicant states that his consumer is regular payee of every months electric bill and having NOC from corporation for the connection of floor mill. His electric connection was issued on 01/05/2010 for floor mill only. He further stated that the he had produced all the required and relevant documents to the utility but utility is threatening him for the disconnection of power supply he is in receipt of such 15 days notice on 14/12/2011 and hence he rush to this Forum for the status quo on this notice.

He further added that utility is demanding certificate from District Industrial Centre or from Industrial Director which is not mandatory as per MERC or E.A. 2003.

He stated that there is no need of NOC from corporation as per MERC or EA. 2003 even then why utility is insisting upon?

He further requested to the forum to grant the relief from the threat of disconnection he also referred the section 43 (i) of EA 2003 according to which utility has to release connection without any NOC from the corporation.

**Utility Say :**

On the behalf of utility Shri H.V. Dhavare Dy. E.E. Kalwa was present to represent the case he stated that

1) The present grievance is not maintable before Hon'ble Forum, because, the consumers has directly filed the grievances before Forum without approaching IGR Cell, Thane.

- 2) The said applicants has not submitted the statutory documents for power supply for floor mill, which includes
  - a) NOC of Thane Municipal Corporation.
  - b) Being industrial supply to floor mill, registration certificate with district industries centre, (DIC),Thane
  - c) NOC of local Electrical Inspector, PWD, Thane.
- 3) The flour mill activity is hazardous & dangerous to human life. Hence to avoid the accidents & such incidents, being safety precaution. It is necessary to obtain the 'NOC' of local authorities including Municipal Corporation, Collector etc.
- 4) As per MSEDCL condition of supply -2005, section no. 2-3.1, the consumer should submit all consents/ permissions as may be required under law for the time being in force.
- 5) As per MERC (Electricity Supply code) Regulations 2005, Reg. no. 4.1, the consumer should submit the required documents under any statue.
- 6) The Hon'ble ombudsman also observed in case no. 64 of 2008, the consumer/ permission from local authority.

**Observations :**

The matter was heard on 29/12/2011 both the parties were present. The documents on record and arguments during the hearing reveals that the utility has granted 3 phase floor mill, IP connection to the consumer Shri Bhagwan Baburao Gavane Floor Mill on 21/09/2005 under the condition that consumer should produce the NOC for issue of electric connection for floor mill within prescribed time but consumer fails to do so.

While referring to the section 4.1 (vii) of MERC (Electricity Supply Code & Condition of Supply) Regulations 2005 states that :

*“Additional documents as may be required from the applicant under any statute for the time being in force.*

*Provided that the application form shall provide a list of (a) all major purpose of usage and (b) all such documents along with a reference to specific provision of the statute (s) under which they are required by the Distribution Licensee from the applicant at the time of giving supply of electricity to the premises”.*

This shows that the Distribution Licenses can insist to furnish the documents it required and in values some safety measures Forum observed that the NOC issued by the local Authority is clearly for commercial business and not for floor mill. There are some specific constructional and climatic binding on the floor mill business which are to be observed by the concerned authority issuing such NOC to avoid danger to the lives & pollution in atmosphere. Moreover on the certificate of commercial business one can not convert there activity to the floor mill or industrial this could be unauthorized conversion.

As per Industry, Energy and labour ministry the directive given by Govt. of Maharashtra vide MSC/ 1084-2872- C.R Engrg-2 dt. 30/10/84 the NOC from local body viz. Municipal Corporation is necessary for release of Electric Connection for every flour mill.

Forum therefore feels that the Applicant has to provide required documents/consent/permission from the local authority the Applicant prayer for release of Electricity supply without insisting prior NOC for provision of electric supply from the local and planning authority (i.e. Thane Municipal Corporation) therefore is not inconsonance with the provisions and Act and is not tenable and hence liable to reject.

The Parwana for floor mill can not consider as NOC for release of electric power supply.

### **ORDER**

As elaborated in above forgoing observations there is no substance in the prayer of the Applicant to provide electric supply without NOC from concerned local authority and hence prayer is rejected.

No order as to the cost.

Both the parties should be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 27<sup>th</sup> Feb 2012.

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.

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

**S. K. CHOUDHARY**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**R.M. CHAVAN**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**