

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

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

Case No. 329

Hearing Dt. 07/06/2010

In the matter of release of new connections

M/s. Arihant Universal Realty Pvt. Ltd. - Applicant

Vs.

MSEDCL, Panvel (Div.) - Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary,
CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Ravi Anand – Consumer Representative.

C - On behalf of Opponent

- 1) Shri Subhash Rathod Dy. Ex. Engineer Kharghar
Sub division

Preamble

M/s. Poonam Electrical Corporation had applied for 166 single phase and 10 three phase new electric connections for its residential complex named as Arihant Universal Realty Pvt. Ltd. to the MSEDCL Panvel Division and paid the necessary processing fees amounting to Rs. 4,650/- vide M.R. no. 7546931 dt. 23/03/2009 but MSEDCL, Panvel Division failed to process the matter even after lapse of one year period hence consumer approach directly to this Forum and registered his grievance vide case no. 329 and hearing was fixed on 07/06/2010.

Consumer Say: -

Shri Ravi Anand was present along with Shri Kishan Sharma to represent the case (herein after referred as to the Applicant) the Applicant argued that the written say submitted during course of hearing by the utility representative should have been given earlier as mentioned in MERC (CGRF&EO) Regulations 2006 therein Regulation 6.13 hence the Applicant claimed to take cognizance by the Forum and penalty should be levied to the Utility.

The Applicant stated that M/s. Poonam Electrical Corporation had applied for 176 no. of new electric connections for residential complex and also paid processing fees amounting Rs. 4,650/- on dt 23/03/2009

but even till this date, the utility has neither surveyed nor issue demand note.

He further stated that no reason or correspondence is received from utility side for delay in releasing connection. He claimed compensation towards not observing the standard of performance as laid down by Hon'ble MERC vide it's order dt. 20/01/2005 he added that to pursue the matter he approach to the Superintending Engineer Vashi Circle but took no cognizance.

During the course of hearing the Applicant argued the development of Kharghar node may be the responsibility of CIDCO as utility is stating, but consumer has paid the processing fees to MSEDCL and hence it is the responsibility of MSEDCL to release the electric supply within stipulated time period. He further reiterated that the consumer is no were concerned with the dispute between CIDCO and MSEDCL, the issue of development of infrastructure for release of electric supply.

The Applicant stated in his submission that his residential building is in the complete stage to release electric supply. Applicant also stated that he is not in the position to carry out the work of electrical installation and he is in need of supply under Non- DDF scheme. He shows his willingness to pay schedule of charges applicable to him.

The Applicant further stated that the utility has not taken care to inform to the consumer about the cause of delay in releasing the connection or processing the matter, which is mandatory under MERC (Electricity supply code and other condition of supply) Regulation 2005 therein Regulation 4.

The Applicant concise his argument with the following prayer:

- 1) To issue demand note within 7 days.
- 2) To release electric supply on payment of demand note within a month.
- 3) To award the compensation towards SOP for delay in process the matter and delay in issue of demand note.

Utility Say :-

On the behalf of utility Shri Subhash Rathod Dy. Ex. Engineer, Kharghar Sub-division and Shri D.D Sangle Astt. Engineer (Office) were present to represent the case (herein after referred as to the Opponent).

As per the submission of Opponent, the Applicant consumer has applied for the 166 numbers of single phase and 10 numbers of 3-phase connections and has also paid the processing fees. However they showed inability to sanction or release of connection due to unavailability of infrastructure in sector 35 of Khaghar Area. The Opponent explain to the Forum that on receipt of Application from the Applicant and on payment of processing fees the survey was carried out and

accordingly estimate was prepared and sent to the head office for necessary approval. However proposal is not yet approved. They further explained that the Kharghar Area is developing by CIDCO and CIDCO has to commission the infrastructure as per the agreement between MSEDCL and CIDCO. In the first stage CIDCO is developing the Kharghar Area from sector 1 to 24. They further reiterated that the MSEDCL authority has requested NOC to extent the electrical supply lines from sector 24 to sector 35 so as to give the power supply to this consumer but the reply is awaited. They further added that the MSEDCL is going to execute the DPR scheme in which the development of this is covered.

The Opponent is unable to give the specific time limit to execute the DPR scheme. During the course of the hearing, the Opponent explained that the approval to the estimate submitted to the Head office is awaited and hence the demand note is not issued to the Applicant.

Observation :-

The matter was heard 07/06/2010. Both the parties were present. Documents on record and arguments during the hearing, reveals that the Applicant has applied for 176 numbers of residential connections at plot no. 4, sector 35, Kharghar for Arihant Universal Realty Pvt. Ltd. and paid the necessary processing fee amounting to Rs. 4,650/- vide M.R. no. 7546931 dt. 23/03/2009. Accordingly the utility officials prepare an estimate and submitted to the division office vide letter no. AE/ KHGR/ Tech/744 dt. 29/07/2009.

As per the submission of the utility, the distribution infrastructure in the sector 26 to 45 at Kharghar node is to be developed by CIDCO. The same development will be carried out by the CIDCO in second phase, which will takes time.

Moreover, it is also on record that utility MSEDCL has requested the CIDCO for NOC to extent the electric supply from sector 24 to 35 to release the connections to the Applicant consumer. On the other hand the Opponent is perusing the matter to get the DPR scheme approved to execute it at early. As per the statement of Opponent the said DPR scheme is for development of Kharghar node.

From the above arguments of the utility, it is observed that the utility has taken steps for developing the distribution infrastructure to release the electric supply to this Applicant.

The MERC (Electric supply code and other conditions of supply) Regulations 2005, there in Regulation 4.3 (IV) state that:

*4.3 It shall be the duty of the Distribution Licensee to:
IV) inform an Applicant, upon request, of the status of his application and the reason, if any for non-disposal of the application.*

In this case, it is observed that the Opponent utility have never communicate the developments or the difficulties in release of electric supply to the consumer Applicant.

The Applicant consumer also enquired for delay in supply to the Superintending Engineer, Vashi Circle on 03/07/2009 and also to the Executive Engineer on 07/07/2009, but got no reply, which is not in accordance with the Regulation stated above.

In the present case, the Applicant consumer was demanding Electric supply under non-DDF scheme and is also ready to pay the necessary charges as approved in schedule of charges by the commission. It is the duty of utility to release the electric connection within the stipulated period of time observing the standard of performance within the time period u/s 43 of EA 2003. Which reads as:

43 Duty to supply on request

1) Every distribution licensee, shall on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.

Provided that where such supply requires extension of distribution mains or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises

immediately after such extension or commissioning or within such period as may be specified by the appropriate commission.

2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub section (1).

In the instant case, the commissioning of sub station and erection of electric line is involved which should have been completed within one year from the date of receipt of completed application and payment of charges.

It is observed that the consumer Applicant had submitted application and paid processing fees on 23/03/2009 but Opponent failed to issue the demand note in the stipulated time of 30 days from receipt of application hence Forum has no hesitation in imposing the penalty as licensee fails to issue demand note within the period as specified in SOP.

The MERC (Electricity supply code and other conditions of supply) Regulations 2005 there in Regulation 4.7 of SOP states:

4 Period for giving supply.

4.7 Where the supply to an Applicant requires or augmentation of distribution main or commissioning of a new sub-station, the Distribution Licensee shall complete the inspection of premises within seven days and intimate the

charges to be borne by such Applicant within thirty days from the date of submission of such application for supply regardless of whether the application is deemed to be complete under Regulation 4.2.

Hence the Opponent is liable to a penalty for delay of 62 weeks at the rate of Rs.100/week, which comes to Rs. 6200/- (Rs. Six Thousand two hundred only) Forum also observed that the time period as stipulated in section 43 of IE 2003 and MERC (Electricity supply code & other conditions of supply) Regulations 2005 therein Regulation 4.6. of one year from date of completed application is already passed hence the Opponent utility should release the supply to the Applicant, provided the Applicant's application for request of electric supply should be complete application as stipulate in MERC (Electricity supply code & other conditions of supply) Regulations 2005.

O R D E R

The Applicant consumer should be awarded the compensation towards SOP for Rs. 6200/- for delay in issue of demand note.

The Opponent utility should convey the necessary charges to the consumer Applicant immediately.

The electric supply should be release as per MERC Rules and Regulations as mentioned in observations in forgoing paragraphs.

The compliance should be reported to this Forum within 30 days.

No orders as to 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 9th July 2010.

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

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP