

Preamble: -

Shri Ashok M. Gawarikar is a residential consumer of Maharashtra State Electricity Distribution Company Ltd. having sanctioned load of 4kw under single phase connection no. 028510555301 at plot no. 18, road no. 1, and sector 12 New Panvel.

Shri A. M. Gawarikar wrote to utility officer requesting for shifting of Minipiller as it comes in the vicinity of his main gate of bungalow vide letter dt. 15/05/2002, 02/02/2009 and 10/10/2010 but got no response and hence he approach to this Forum with the grievance for shifting of Minipiller at convenient place, accordingly the grievance was registered vide case no.348 on 18/10/2010 and hearing was fixed on 03/11/2010.

Consumer Say: -

Shri Varun A. Gawarikar was present to represent the case (herein after referred as to the Applicant) as per Applicant statement the newly replaced Minipiller by the utility on 10/10/2010 is very close to the entrance gate of the bungalow and there is always fire risk because of loose electric cable connection, Also there is cable mesh lying haphazardly in front of gate which could be fatal to the lives. He further stated that he has to park his vehicle faraway from the main entrance gate at safe distance from the minipiller due to fire risk. During the course of hearing the Applicant's representative submitted the photographs showing the location of minipiller and shabby laid cables.

The Applicant further shows his willingness to pay the reasonable cost of estimated for shifting of minipiller, if any.

Prayer of the Consumer :-

1) To shift the minipiller at least 15 ft away from the gate in the common area.

Utility Say :-

Neither utility submitted point wise say nor attended the hearing; only the copy of letter written to the Applicant is submitted which shows that the work of shifting of minipiller at convenient distance will be executed by the Opponent under DPR scheme considering the technical feasibility.

In the absence of written submission and representative of utility the case was proceeded on merit basis.

Observation :-

The matter was heard on 03rd Nov 2010, only the Applicant (Agrieved party) was present. In absence of chairperson of the Forum, the matter was proceeded by the Member and Member Secretary.

There was no submission on record by the Opponent and also the representative was not available for the arguments from the utility side.

From the letter issued by the Opponent to the Applicant reveal that the existing minipiller is installed on the land provided by CIDCO. As stated in the submission of the Applicant the said minipiller was further shifted

towards the main gate of his bungalow while replacing the old one on 10/10/2010.

From the photographs produced by the Applicant before the Forum, it is evident that the electric cables are not safely laid under ground observing Indian Electricity Rules, 1956.

Forum observed that it is prime duty of utility that every electrical installation should be maintained considering all safety measures as required under Indian Electricity Rules 1956.

Apparently from the photographs, the proper procedure was not followed by the utility while lying down the cable, hence Opponent should take immediate corrective action and lay down all under ground cables considering safety measures.

About the location of the installed minipiller the following issues are required to be consider.

A) Whether the installation of minipiller was done in accordance with relevant Rules and whether the Opponent has followed the procedure before carrying out the work of installation.

B) Whether there is any motive on the part of the Opponent to locate the minipiller adjacent to the Applicant's compound wall in preference to choosing another proper location for the purpose.

C) Whether the safe distance from the compound wall is maintained and the grievance for shifting of feeder pillar

in the CIDCO's land can be taken as a grievance to be delt under the Maharashtra Electricity Regulatory Commission (CGRF&EO) Regulations 2006.

On going through the documents on record, it is observed that the minipiller is located near to the main gate of Applicant's bunglow which seems to be unsafe and there is always threat of fire in case of short circuit and hence it need to shift at another proper location keeping the safe distance as per IE Rules 1956.

Forum also observed that as stated by the Opponent, the said minipiller is on the land provided by CIDCO and not on the Applicant's own land. But even if such is the case, considering the social safety and willingness of the Applicant to execute the work of shifting at his own cost, Forum has no hesitation to direct the utility, to prepare an reasonable estimate for shifting of minipiller observing all safety measured and get the plan approved from the concerned authorities at undisputed place nearby where technically feasible.

The Forum examine the matter in detail and before concluded the Applicant's grievance for shifting of unsafe installed minipiller comes under the definition of "Grievance" or whether it has "locus standy" to file any grievance about the location of minipiller.

For this it is required to go through the definition of "Grievance" given in MERC (CGRF& EO) Regulations 2006, which reads as

"Grievance" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and

manner of performance which has been undertaken to be performed by the a Distribution Licensee in pursuance of a licence, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes inter alia safety of distribution system having potential of endangering of life or property, and (b) grievance in respect of non-compliance of any order of the commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be.

“It is very clear and explicit from above definition safety of distribution system having potential of endangering of life or property” should be observed by Distribution Licensee is covered under the “Grievance”, hence considering the safety factor there is a “locus standy to file the grievance.

ORDER

- 1) The Opponent should prepare an reasonable estimate for shifting of minipiller to the undisputed place considering all safety measures as per Indian Electricity Rules, 1956.
- 2) The plan for shifting of minipiller to the appropriate safe place should be approved by concerned authority.
- 3) Convey the reasonable cost of estimate without undue delay to the Applicant so that the Applicant deposit the amount within 30 days after receipt of the estimate.

4) After the payment of the cost of estimate by the Applicant, work of shifting of minipiller should be executed within 30 days.

5) If the cost of estimate is disputed by either parties or even the responsibility to pay such cost, the dispute may be refer to the concerned Electrical Inspector by either of the parties where upon the same shall be decided by the Electrical Inspector.

6) Compliance should be reported within 60 days from receipt of this order.

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 15th December 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**

**D. N. DODKE
MEMBER SECRETARY
CGRF, BHANDUP**