

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

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

Date :

Case No. 286

Hearing Dt. 08/09/2009

**In the matte of express collection of service connection
charges**

M/s. Sundram Textiles . - Appellant

Vs.

MSEDCL, (TPL) Bhiwandi - Respondent

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.

B - On behalf of Consumer

- 1) Shri Pravin Thakkar, Consumer.

C - On behalf of Utility

- 1) Shri S.V. Kale, Ex. Engr., MSEDCL, Bhiwandi.
- 2) Smt. Sandhya Iyre, Asstt. Manager, TPL, Bhiwandi.
- 3) Shri Gaurav Gautam, Asstt. Manager (Legal), TPL, Bhiwandi.

ORDER

Shri Pravin Thakkar is having three phase connection for engineering work shop under consumer no. 13010027131 at shop no. 2, Zenieth Compound, Kalyan Road, near Aziz Bibi Masjid, Bhiwandi. Earlier he was having 3 HP sanctioned and connected load. He applied for extension to 12 HP load on 16/06/09 to the Torrent Power Ltd. The Distribution Franchisee M/s. Torrent Power Ltd. asked to pay Rs. 17650/- as service connection charges, security deposit and processing charges. Shri Pravin Thakkar paid these charges and got the extended load sanctioned, he felt that he was excessively charged in this transaction by the utility compare to the cost of cable in the market though he was having the existence of infrastructure capable of catering the load. Hence he approached ICGRU, Bhiwandi of the Dist. Franchisee where according to him no relief was granted. Aggrieved of ICGRU's order passed on dtd. 20/08/09, he filed an appeal in this Forum, which was admitted and registered under case no. 286.

Both the parties were served with the notices. Who attended the hearing with relevant papers on 08/09/09 before this Forum.

Shri Pravin Thakkar himself argued his matter and on the behalf of Distribution Franchises Smt. Sandhya Iyre, Asstt. Manager, & Shri Gaurav Gautam, Asstt. Manager (Legal), presented the case. Shri Thakkar in his argument repeated his allegation against the utility franchisee of charging exorbitant service connection charges of Rs. 8000/- though his cable was of enough capacity and could carry the load proposed for enhancement which he has intimated well in time. He claimed that the utility replaced my old cable from distribution mains to metering point, which is laid over head and is only 8 meters and as per market rate the cost would be maximum to Rs. 464/- where as the utility has charged for Rs. 8000/- which is exorbitant and unreasonable. Hence the excess amount so charged should be returned to him along with 12% interest thereon. He further added

that his old cable was of his own and utility should have returned it to him. Which they did not still retained with them and same should be returned to him. As regards Appellant contention that he had to face harassment at the hands of utility by frequent follow up of the matter and he should be compensated.

In the course of hearing, in reply Smt. Sandhya Iyer stated that consumer had approached the utility for enhancement of load from 3 HP to 12 HP. Quickly a survey was carried out, it was revealed that the existing cable used to supply electricity from distribution main to meter point need to be replaced. Accordingly the consumer was given a demand note based on scheduled of charges approved by MERC as prescribed in Regulation 18. The consumer agreed and made the payment accordingly. Now he has came up with the grievance that the utility have recovered from him the exorbitant amount but as already explained the amount so recovered is strictly in accordance with the scheduled rate prescribed by MERC.

It was also argued by the utility that the consumer has never demanded the old cable at any stage (not even before ICGRU, Bhiwandi) he has mentioned this point for the first time before the Forum. He should at least produce some proof of his purchase of the cable. To which the consumer agreed. Since at the time of hearing he was not having a copy of purchase receipt of cable hence Forum asked him to produce the same within 3 days.

The utility explained that during the survey conducted at the time of sanction of this connection it was revealed that the area in question was very densely populated and congested and it would not have been practical to lay down cable by excavating the roads in such area. It was also not possible to run the overhead bare conductor through such densely populated and congested area as it would be dangerous and fatal to human beings (to which during course of hearing Appellant also agreed). Hence it was decided to release enhanced load by running cable of under ground quality (which is of superior & safe quality) through overhead hence the

expenditure incurred by the utility is equal to that of connection by under ground cable. It has not exploited the consumer any way by over charging him. The utility does not agree that the consumer was required to visit utility's office frequently to follow up this matter hence the question of his harassment doesn't arise. Consequently the claim of compensation does not hold good.

From the documents on record and deliberations of both the parties Forum observed that the utility while sanctioning the load have observed the prescribed time limit and also charge the consumer the charges as approved by MERC in case no. 70 of 2006 which the consumer has paid and the load was sanctioned. The utility has replaced the cable taking into consideration the safety of the public. at large hence the Forum feels that the Respondent have a power under Regulation 3.3.2 of Electricity Supply Code to recover all expenses reasonably incurred in laying down service lines from Distribution mains to applicant's premises from applicant/Appellant. Forum feels that the Respondent utility should not insist on replacing consumers existing cable if it is adequate enough to bear even the enhanced power load. This should be ensured in all future cases. The consumer in the mean time has produce before the Forum a receipt of purchase of cable, which he did on 25/05/09 which proves that the old cable was of his own, hence on production of the same the utility should return the old cable to the consumer. The Forum will return the said receipt to the consumer. The Forum observed that the utility's decision to utilize under ground cable material (i.e. armored cable) instead of bare overhead conductor and provide overhead connection in the interest of public safety in such particular circumstances prevailing there, was proper, hence in the present case Forum does not found any ambiguity in utility's execution of work. The Forum further observed that consumer's contention that he was required to follow up the matter with the utility frequently and thus was harassed could not be proved and hence his plea for compensation cannot be considered.

As elaborated in forgoing paras the Forum directs about the return of cable be complied with by the utility within 15 days on production of the purchase receipt by the consumer.

No order as to cost.

Compliance should be reported within a month.

Both the parties are to be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum, Bhandup Urban Zone, Bhandup on 18th of September 2009.

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.

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

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