

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

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

Date :

Case No. 254

Hearing Dt. 10/02/2009

In the matter of new connection

M/s. Saibaba Construction Company

- Appellant

Vs.

MSEDCL, Thane Division

- 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.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri G.B. Singh, consumer representative..

C - On behalf of Respondent

- 1) Shri Gaikwad, Dy. Ex. Engr., Vikas S/Divn..

Preamble

The appellant approached this Forum on 31st Jan. 2009 his grievance is registered under sr. no. 254 of 2009. This appeal was made against order passed by ICGRC, Thane dtd. 28th Jan. 2009

Consumer say :

Consumer, is building construction company at Ashok Nagar, Balkum, Thane he had applied to the utility (respondent) for residential and commercial connections for total load 2303 KW for 655 Nos. of connections under ORC scheme & estimate for the same was prepared and sanctioned by the authorities of utility. Accordingly he paid the following amount to the utility :-

- a) 15% supervision charge on labour work Rs. 1,20,300/-
- b) Service connection charges Rs. 7,86,000/-
- c) 15% supervision charges on civil work Rs. 60,000/-

The appellant consumer carried out work of erection of 2 Nos. of 630 KVA distribution transformer which was energized by available from the near by HT source i.e. Vikas Complex sub/station and get released 222 LT connections which were partial.

Now the consumer is requesting for the remaining release of connections as per directives of Hon'ble MERC for grant of LT power supply to the non domestic and residential where the load is equal or more than 500 KVA. The developer shall be given the connections under DDF scheme which will not include the cost of setting of infrastructure including feeder or augmentation of 33/11 KV or 22/11 KV sub-station. However, the consumer is ready to execute the work by installing remaining distribution transformers and LT network at his own cost under DDF scheme.

According to the consumer it is possible for the utility to make available HT supply from existing 11 KV Saket-II feeder which is not in service (faulty) which can be brought into service.

Another source of power supply is available from Balkum Naka feeder, which is emanated from Bayer India sub-station. This feeder has cable size of 3C x 185 sq.mm. and having the capacity to carry upto 225 Amps. on 11 KV side. Thus both these feeders can meet with the requirement of appellant consumer if brought into full utilization.

Utility Say :-

On behalf of utility Shri Gaikwad, Dy. Ex. Engr. attended and pleaded utility's side as under :-

- 1) Estimate for total load of 2303 KW was sanctioned under ORC scheme vide letter No. CE/BNDUZ/TS/T-6/2726, dtd. 05/05/2006. Accordingly the consumer has paid Rs. 9,66,300/- on dtd. 01/06/2006 as necessary charges.
- 2) Consumer had given willful consent to execute the work under ORC scheme at his own cost. His consent is a valid agreement with the utility as per contract Act-1872. Now the consumer does not want to execute the work as per sanction. The consumer has thus breeched the provision of contract Act and utility is entitled to recover compensation/penalty from the consumer.
- 3) As per utility's policy circular dtd. 20/05/2008 the guidelines are issued for LT connections that the consumer who wants the load above 500 KVA should get connection under DDF only. Hence the consumer has to bare all the expenses towards infrastructure.
- 4) It has been further pointed out by utility that consumer's load is sanctioned on 05/05/2006 and consumer had directly approached to ICGRC for his grievance in Jan.-2009. Hence considering limitation Act 1963, this matter is time barred.
- 5) It was further pointed out that the consumer was given temporary supply for the ongoing project and partial connections were release from 11 KV Balkum feeders on the request on affidavit by the consumer. Now presently 11 KV Balkum Naka feeder cable size XLPE 3Cx185 sq.mm./150 sq.mm and normal load 145 AMP. The nearby 11 KV feeder Bharat fertilizer normal load 185 AMP and cable size 300 sq.mm/185

sq.mm. The 11 KV Saket-II feeder totally break down due to RCC road widening Thane-Saket and Balkum. Therefore, for smooth and uninterrupted power supply consumer should execute the work as per sanction.

Observations :

During the course of hearing and records available from both sides Forum feels as under :-

- 1) The utility's contention is that the matter is time barred does not hold valid since the consumer was in continuous follow up to get the second stage of release of remaining supply, as only a partial supply was released.
- 2) The utility has stressed on the point that the consumer had consented to execute the work under ORC scheme (out rate contract) and made the payment of Rs. 9,66,300/- as such he is required to bare the cost of infrastructure, which the utility has to carry out.

The utility vide a circular No. CE (Dist)/D III/Circular/22197, dtd. 20/05/2008 in reference to the MERC order dtd. 16/02/2008 in the case No. 56/2007 has quoted it as under :

The load of 500 KVA and above are availed to cater to the exclusive requirement of complex in the form of Dedicated Networks to such complex and in most of the cases the infrastructure including the transformer, lines and other allied equipments are required to be installed in the developer's premises itself and remains for the exclusive use of the complex. Therefore, the developer of the group of consumers shall be give connection as Dedicated Distribution Facility (DDF) which will not include the cost setting up or augmentation of 33/11 or 22/11 KV sub-station. The line will remain dedicated to the consumers in future.

Above indicates that the transformers, lines and other allied equipment will be remain for the consumer as D.D.F. However the line/cables used to brought the supply from sub-station to the developer's premises will not remain dedicated to consumer in future, if laid by utility.

While examine the matter consumer M/s. Saibaba Construction obviously under the pressure of getting early supply agreed to the utility for implementation of ORC. Further the consumer was prepared to bare the cost of infrastructure development i.e. laying of 3.2 KM/300 sq.mm XLPE HT cable.

In the meanwhile the Hon.ble' MERC issued the directives to all the Licencesses utility not to ask such consumers to bare the cost of HT infrastructure where the load requirement is of outside premises equal or more than 500 KVA. Further the consumer is ready to bare the cost for erection of LT network and required transformers under DDF scheme inside premises.

The consumer had applied for getting 2303 KW load for total no. 655 connections out of which he got partial supply of 222 connections from the existing available source i.e. Balkum feeder (Bayer India sub-station).

However, at the same time another near by feeder located at Saket which is faulty for the last six months needs some repair works of cable, which utility can undertake and complete immediately. It is also revealed from the record that the required supply can be met with from 11 KV Balkum Naka feeder which needs partial augmentation which the utility can also do.

The provisions of SOP contained in appendix A (iii) of SOP, which prescribes where extension or augmentation of distributing main is required, the work should be completed within three months. Hence utility should not insist the consumer to carry out the work of laying down the 3.2 KM HT cable to bring the power supply upto his premises.

In the instant case, the nearest supply is available either from Balkum Naka feeder or from Saket II feeder which utility can do in the prescribed time of three months.

ORDER

The utility should without further waste of time and without insisting on the appellant to incur the infrastructure cost out of consumer's premises. At the same time the consumer is prepared to bare the cost of infrastructure to be incurred in his own premises and balance connections should be released.

Compliance should be reported to this Forum within four months from the date of receipt of this order.

No orders as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 21st of February 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.

**MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP**

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

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