



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No. **K/N/0131/989/2014-15**

Date of Grievance : 20/08/2014

Date of Order : 08/10/2014

Total days : 49

**IN THE MATTER OF GRIEVANCE NO. K/N/0131/989 OF 2014-15 IN RESPECT OF M/S. PRAGATI ENTERPRISES, 1C SINDHU SAGAR, MAHATMA PHULE ROAD, DOMBIVLI-421 002, DISTRICT THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.**

M/s. Pragati Enterprises,  
1C Sindhu Sagar,  
Mahatma Phule Road,  
Dombivli 421 002,  
Dist-Thane

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
The Addl.Executive Engineer,  
Sub/Divn-III, MSEDCL,  
Dombivli (W).

.... (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri B.R.Mantri-Consumer's representative.  
For Licensee - Shri Lahange-Nodal Officer/Exe. Engineer  
Shri Bharambe-Dy.Executive Engineer.  
Shri R.Y.Mashalkar-Executive Engineer &  
Shri R.B.Bagal-Asst. Executive Engineer.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the

notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Applicant is a Builder & Developer, it has sought 39 connections in the new building. It happens to be the prospective consumer and hence hereinafter for convenience referred as consumer. Consumer brought this grievance before Forum on 20/8/2014, on the basis of order of IGRC dated 12/8/2014. IGRC allowed consumer’s complaint dated 3/7/2014 which was filed alleging that new application for 39 residential connections sought on 16/1/2014 were not dealt, no firm quotation (FQ) was given in time. IGRC allowed the complaint of consumer and directed Licencee to issue forthwith FQ.

3] On receiving the grievance it’s copy along with accompaniments sent to Nodal Officer, vide this Forum’s letter No. EE/CGRF/Kalyan/0317 dated 25/8/2014.

In response to it, Officers of consumer filed reply on 15/9/2014, placed on record copy of development plan, letter addressed by Superintending Engineer to the Municipal Commissioner KDMC dated 22/9/2014, requesting the planning authority to consider while sanctioning building plan, appropriate area is kept vacant by concerned for installing transformers etc. for giving supply to the concerned building. Even consumer placed on record sanctioned plan of the building.

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4] We heard both sides at length. They made submissions in tune with their contentions. At this stage, we are required to just consider the short claim of consumer towards not dealing it's application for 39 residential connections sought on 16/1/2014. It is the contention of Licencee that for giving such connection, consumer is required to provide area of 20 ft. x 20 ft. and as it is not provided, it is not possible to proceed ahead. It is a fact that this aspect for the first time is brought before this Forum and already IGRC decided the matter, precise observation and conclusions of IGRC from Para No.12 are as under:

*'12:In view of the above the question of SOP penalty does not arise as one year has not completed yet from the date of application of consumer.*

*After listening to both sides.*

*It is observed that consumer has applied for connection at his 'Pragati Residency City survey No.5842 to 5865, S. No. 229 (old), 4 (new) at village Navegaon, Cross Subhash Road, Dombivli (W). Also the Licencee has already started the work of erecting DTC in RAPDRP Scheme near the proposed location to give relief to existing DTC at Bawan Chawl. The work of DTC erection is completed. LT work is in progress also the question of SOP does not arise as the work involves erection of DTC and hence,*

*The decision in the grievance is as below:-*

- 1] The grievance application is partly allowed. The F. Q. to be issued **immediately** and connection be released immediately after the payment by consumer and completion of HT/LT network.*
- 2] Licencee is directed to report the compliance within 45 days from the date of issue of order.*
- 3] The consumer can file representation against this order with consumer grievance Redressal Forum Kalyan Zone, behind 'Tejashree' Jahangir Mehwarnji Road, Kalyan (W) 421 301 within 60 days from the date of this order...'*

After noting the order of IGRC it is just necessary to reproduce the grievance of consumer and nature of relief sought from this Forum, those are as under:-

***‘4 Details of the Grievance’***

*‘We have applied on behalf of consumer with reqd. documentation and ‘A” form on date 16/1/2014 for providing new connection. As per SOP MSEDCL has to carry out the survey within 7 days and give us firm quotation within 15 days and thereafter release the connection within a month....’*

***‘7 Nature of Relief sought from Forum’***

*‘IGRC has given the decision but MSEDCL has not implemented the same. Order for issue of application, processing fee and firm quotation and after payment release of connection immediately within 7 days time and award SOP for individual ‘A-1’ application for delay for issue of firm quotation and release of new connection.*

5] Aforesaid order of IGRC and nature of grievance brought before us is towards non compliance of the order passed by IGRC. No doubt, as there is a order of IGRC, Licencee is supposed to comply it. There is no provision available to the Licencee to make any ground before this Forum, pointing out flaw or hurdle in implementing the order of IGRC. It is clear that already relief is granted to the consumer and IGRC considered the submissions of Licencee. As consumer has approached this Forum towards non compliance of order of IGRC we find there is no scope for us to look in to or to enter into the different aspects/objections/constraints canvassed by Licencee in complying that order. If Licencee is aggrieved then such grievance cannot be redressed by this Forum. Accordingly, platform of this Forum

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cannot be used by Licencee to stall the order of IGRC. We find order of IGRC is on the basis of material placed by Licencee on record and there is no ground for this Forum to interfere in it. Consumer is not approaching for modification of that order or for setting aside the order. In fact consumer is coming with a grievance that Licencee is not implementing the order. Accordingly, we find, what is sought is the implementation of order.

6] Officers of Licencee, at length placed on record various pleas in support of their contention. We find to look into those contentions will amount to entertaining their grievance which is not available to this Forum. We avoid to enlist the various objections taken as those are of such a nature that this Forum cannot treat it as a grievance and deal it that too setting aside the order of IGRC which is not disputed by consumer. This is a peculiar aspect which is being canvassed at length by Officers of Licencee. Said officer was specifically asked whether this Forum can set aside the order of IGRC, but he was not able to lay hand on any such provision enabling the Forum to interfere or set aside the order of IGRC.

IGRC on considering the position clarified by the Licencee. about the progress on spot, directed to issue F.Q. immediately. Licencee has not placed before us any development yet to be done and it takes time. Hence, it is to be considered that as on the date of order of IGRC there was no any hurdle for issuing F.Q. Under such circumstances, we find as order of IGRC is based on the plea taken by licencee, hence, there is no question of this Forum interfering in it, but this Forum is to endorse it and direct the Licencee to comply the said order fully and to pay as per SOP for not issuing F.Q. from the date of consumer approaching this Forum for implementation of order of IGRC, till F.Q. is issued.

Consumer has sought 39 separate connections those are in same building but 39 separate units hence SOP if it is to be made applicable then it will go for every

connection. There cannot be any interpretation that applicant being one, hence while applying SOP it is to be treated as one and SOP is to be granted not for 39 connections but for one connection. Such interpretation will totally negativate the further analogy of giving such separate connections and the consequential results arising out of it may be leading to theft of energy or unauthorised use of electricity or default in paying the bill of particular unit.

7] In view of the above, this grievance is to be allowed.

I agree

(Mrs.S.A.Jamdar)  
Member  
CGRF,Kalyan

(Sadashiv S.Deshmukh)  
Chairperson  
CGRF, Kalyan

**Per Shri C.U.Patil- Member Secretary:-**

I have gone through the above reasoning. I respectfully agreed with it except for the contents in Para Nos.6 for the reasons that-----

As per letter by Additional Executive Engineer, Dombivli III Sub/Divn. (W) bearing Sr. No.661 dated 22/8/2014, on line FQ can be processed only after readiness of infrastructure including and up to LT level. Erection of work involving additional transformer, it's HT line and further LT line will require some days for erection and MERC Regulation in its condition of supply has allowed a period of one year if such work is involved. Hence, charging of compensation (SOP) immediately after IGRC order will not be fair. Hence, SOP should not be charged.

**(Chandrashekhar U.Patil)**  
**Member Secretary**  
**CGRF, Kalyan**

**ORDER BY MAJORITY**

Grievance application of consumer is allowed.

Licencee to comply the order of IGRC without any loss of time.

Licencee to pay as per SOP the compensation from the date of grievance of consumer to this Forum dated 20/8/2014 for implementation of order of IGRC, till to the date of issuing F.Q. towards not issuing F.Q.as directed by IGRC. Said compensation is to be paid for 39 connections sought and accordingly payment is to be done for 39 connections independently. Said compensation be paid at the rate of Rs. 100/- per week or part thereof as per Appendix – A (1) (ii) of SOP 2014.

Licencee is directed to submit compliance within 30 days from the date of this order .

**Dated: 08/10/2014**

I agree

**(Mrs.S.A.Jamdar)**  
**Member**  
**CGRF,Kalyan**

**(Sadashiv S.Deshmukh)**  
**Chairperson**  
**CGRF, Kalyan**

**NOTE: -**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.  
*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.*
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-  
*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

