



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph:- 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO.K/N/012/0112 OF 07-08 OF
M/S S. S. ENTERPRISES THROUGH SHRI BHOLASHANKAR R.
DUBEY REGISTERED WITH THE CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
RELEASE OF NEW CONNECTIONS.

M/s. S. S. Enterprise through Bholashanker (Here in after

Dubey, Shop No. 12, Daryaimahal Apartment, referred to

Vasundri Road, Shivshakti Flour Mill, as applicant)

Manda (W) Tal- Kalyan, Dist- Thane.

Versus

Maharashtra State Electricity Distribution (Here in after

Company Limited through it's referred to

Assistant Engineer Construction Sub-Division as licensee)

Kalyan

1) Consumer Grievance Redressal Forum has been established
under regulation of "Maharashtra Electricity Regulatory

Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Commission vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of The Electricity Act, 2003. (36 of 2003).

2) The applicant registered grievance with the Forum on 15/06/07.

The details are as follows: -

Name:-M/S S. S. Enterprises through Bholashankar R. Dubey.

Address: - Same as above

Reason of dispute:- Non issuance of quotation by licensee for installing 13 electric meters as requested on 6/11/06 by applicant.

3) The batch of papers containing above grievances was sent by Forum vide letter No. 1026 dated 15/06/07 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter No 2438 dated 6/07/07.

4) All three members of the Forum heard both the parties on 09/07/07. Shri Bholashankar R. Dubay, applicant and Shri M. S. N. Murthy Nodal Officer, Shri V. Y. Kamble Assistant Engineer represented licensee.

5) The details of grievance mentioned by applicant in his application are as follows.

a) The supply of 26 meters installed at A, B, C, buildings of Darayai Mahal at Manda (W) Tal:- Kalyan was disconnected by licensee on 05/01/2006 & in order to get supply

reconnected licensee pressurized him on 12/01/06 to give an undertaking on an affidavit of agreeing to erect transformer.

- b) Licensee is not issuing quotation for erecting 13 meters.
 - c) Licensee in that area had already issued 198 connections.
 - d) As per MERC order of dated 8/09/2006, which has retrospective effect from 10/06/2003 as & when licensee came into existence, no service laying charges (SLC) are leviable.
- 6) Licensee's reply on applicant's grievance is detailed below.
- a) M/s S. S. Enterprises applied for 39 connections (27 residential single phase, 10 commercial single phase, 1 staircase single phase & 1 three phase water pump) vide their letter 21/09/05.
 - b) An estimate, as per request/consent of applicant, under Out Right Contribution (ORC) scheme for giving dedicated distribution facility was sanctioned on 6/10/05. He opted of getting the work executed as per estimate by paying Rs 8980/- as 15 percent supervision charges. The work as per estimate includes 22 KV high tension (HT) line extension of 0.12 kilometers, erection of 200 KVA, 22KV/415 volts transformer sub station & necessary low tension (LT) cables switchgears etc. He paid supervision charges of Rs 8980/- on 7/10/2005.
 - c) Applicant on 18/10/2005 applied for 27 new connections & accordingly quotation was issued but he paid charges of 18 connections & got meter erected himself surreptitiously collecting them from laboratory. Supply of these 18

connections was disconnected on 5/01/06 but was regularized after he gave an undertaking on 12/01/06 on an affidavit of agreeing to erect transformer. He also committed vide letter dated 22/02/2006 to complete the work by April 2006 but failed to honour his commitment.

- d) On 6/10/2006 he applied for release of 13 connections in the name of flat owners/individual owners by signing requisition forms. As these 13 connections were already covered under ORC scheme sanctioned earlier, he was asked on 20/11/06 to complete the pending work of erection of transformer.
 - e) The applicant who is a builder cannot equate other released 198 connections in that area with his applied 13 connection as these 13 connections are part of dedicated distribution facility under ORC scheme opted by him.
 - f) He cannot take advantage Maharashtra Electricity Regulatory Commission's (MERC) order dated 08/09/06 which came into force from 8/09/2006 & has no retrospective effect.
- 7) The abstract of opinion of legal advisor of licensee is reproduced below.
- a) Estimate for supply was sanctioned as the applicant applied for same.
 - b) Bholashanker Dubey is taking part as holder of power of attorney.
 - c) Estimate was sanctioned on 6/10/2005 on representation that builder or owner of A, B & C buildings at Darayai Mahal would spend for the transformer sub station needed for supply of 39

connection & accordingly paid supervision charges on 7/10/2005 as per estimate.

- d) The contract between parties is in clear terms, legal & valid.
 - e) When there is undertaking by one of the parties to install transformer sub station & it is the basis of the contract, no changes of the terms can be done unilaterally.
 - f) MERC's order dated 8/9/06 is to be applied to prospective consumers from 8/09/06. This order is neither applicable retrospectively nor it has been mentioned in the said order that applicants who have been sanctioned on specific terms should be regularized as per this order.
 - g) All terms & conditions of contract are, therefore, applicable to new connections now applied on 6/10/2006.
- 8) We do not hold different view than expressed by legal advisor of licensee & therefore reject the claim of applicant to issue any direction to licensee.
- 9) Licensee as per their detection drive of 14/07/05 initiated action against four consumers involved in theft of energy as per Section 135 of Electricity Act, 2003 (EA, 2003). In the same drive seven connections were also detected without meters & the assessment bill of Rs 76520/- was issued in the name of Shri Bholashankar Dubey, which is still unpaid. These cases have not been dealt in detail, as their matter has no bearing with the grievance filed by applicant.
- 10) The application stands disposed off with above observation.
- 11) Consumer can file appeal against this decision with the Electricity Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of this order.

Date:- 30/07/2007.

(V. V. Kelkar)
Member
CGRF Kalyan

(I. Q. Najam)
Chair person
CGRF Kalyan

(D. B. Nitnaware)
Member Secretary
CGRF Kalyan