



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/N/138/1180 of 2015-16**

Date of Grievance : 08/01/2016

Date of order : 11/03/2016

Total days : 63.

IN THE MATTER CASE OF GRIEVANCE NO. K/N/138/1180/2015-16 IN RESPECT OF RAJENDRA NARAYAN VISHE, C/O PRAVIN M.GANDARE, GALA NO. 4, RAJENDRA CYCLE MART, BAZAR PETH, BADLAPURGAON, BADLAPUR (W) PIN CODE – 421 503, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.

Shri Rajendra Narayan Vishe,
c/o. Pravin M.Gandare, Gala No.4, Rajendra
Cycle Mart, Bazar Peth, Badlapurgaon,
Badlapur (W), Pin code- 421 503. .. (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,
MSEDCL, Kalyan Circle-II, Kalyan .. (Hereinafter referred as Licensee)

Appearance : - For Licensee- Shri P.K.Boke-DyEE, Ulhas-V S/Dn
& Shri V.Y.Rathod-AE,Badlapur (R) Section
For Consumer- In person.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

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 & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

The applicant Shri Rajendra Narayan Vishe, who applied for new single phase commercial connection at the address of premises owned by Shri Pravin Madhusdan Gandare , at Gala No.04, Rajendra Cycle Mart, Badlapurgaon, Tal. Ambarnath, has submitted his grievance – cum- application dated 5/1/16 to the Office of Hon’ble Chief Engineer, Kalyan Zone, MSEDCL, Kalyan, stating that the application for new connection was submitted by him on 3/12/2014 for single phase commercial connection to the Cycle Mart, at the above given address. In the application, he further stated that from the last 32 years he is running the business of cycle mart in the above shop / gala. After submission of his application, the Section Officer of the Licensee inspected the site and accordingly issued the

system generated firm quotation bearing Sr. No. 3754160 dated 2/7/15. After receipt of the FQ, he paid the amount of Rs.1070/- vide receipt No. 1130754 dated 4/7/15. He further stated that the undertaking dated 9/10/15 was also submitted to the concerned office of the Licensee in which he clarified that from the last six months Shri Pravin Gandare who is the owner of the premises, has disconnected the electricity supply which was provided internally to his shop from the main meter located in the premises which is owned by Shri Gandare. He further stated that Shri Gandare has already approached to the Hon'ble Civil Court, Ulhasnagar, where he registered the suit against him bearing RCS No. 22/15. Hence he prayed in his undertaking that he will be abiding by the final order of Hon'ble Civil Court, till then connection may be released for which quotation is already paid as above. He also promised that he will be abiding by all the rules and regulations of the MSEDCL and he will not raise any objection towards it and lastly prayed for releasing the connection on humanity ground.

As the connection was not released to the applicant Shri Vishe, he approached to IGRC by submitting Form "X" dated 17/11/15 for getting relief by releasing his connection.

The IGRC of Kalyan Circle – II has not conducted any hearing. However, before expiry of 60 days which are allowed for IGRC to complete the process of hearing for further remedial action of the applicant, Shri Vishe approached to this Forum by submitting his grievance in Schedule-A dated 7/1/16. The grievance was registered by allotting no. K/N/138/1180 dated 8/1/16 and hearing was scheduled on 28/1/16 at 12:30 hrs. The letter bearing No.010

dated 8/1/16 for hearing was served to the Nodal Officer of KC-II accordingly with its copy to the consumer.

On the hearing date, the AEE of Badlapur (W) S/dn attended the case and submitted their reply vide Letter No.1797 dated 27/1/16. AEE clarified that the objection has been taken by the owner of the premises Shri Pravin Gandare for giving the connection to Shri Vishe in the gala No.04. The matter was also referred to the Legal Advisor of Kalyan Zone. On the first occasion the Legal Advisor vide letter dated 10/9/15 advised to the Officers of the Licensee for releasing the connection subject to the final order of the Hon'ble Civil Court. Accordingly, when the concerned section Officer and line staff visited the site on 1y6/11/15 for releasing the supply of Shri Vishe, the objection was taken by Shri Gandare and hence the connection was not released. Shri Gandare told to the Officers that he will meet to the Legal Advisor for explaining the facts and till then the connection should not be released.

AEE further clarified in the above submission that Shri Gandare accordingly met to Legal Advisor and explained the facts of the case and accordingly Legal Advisor of Zonal Office has given revised order dated 5/12/15 with an advise for ' not giving connection' in the name of Shri Vishe. AEE further prayed that the matter regarding the possession of gala is pending before the Hon'ble Civil Court and at present Shri Vishe is not the legal holder of the said gala and the objection is taken by the owner of gala for releasing any connection in the name of Shri Vishe and hence prayed the Forum for rejecting the application of the applicant Shri Vishe.

It is observed by the Forum that though submissions are made by AEE along with correspondence of legal advisor etc, the Licensee has not submitted the objection of Shri Gandare before the Forum. Hence AEE was asked to submit the documents showing the objection of Shri Gandare if any, which he submitted vide letter No.1858 dated 6/2/16 including following documents.

I] The objection of Shri Gandare vide letter dated 3/12/15 addressed to the Executive Engineer, Badlapur (W) S/dn.

II] The objection of Shri Gandare vide letter dated 1/12/15 addressed to Legal Advisor.

III] The correspondence dated 27/11/15 to Sr. Police Inspector, Kulgaon Badlapur Police Station.

IV] The letter dated 29/10/15 addressed to Executive Engineer, Kalyan R/Dvn.

V] The notice through Advocate dated 9/7/15 addressed to MSEDCL, Badlapur (R) Section.

VI] The letter dated 14/11/14 addressed to AEE, Badlapur S/dn.

VII] NC report dated 21/10/14 registered in Badlapur (W) Police Station.

FORUM'S OBSERVATION

It is observed by the Forum that after submission of the documents, the Officers of the Licensee responded to Shri Vishe by issuing FQ which is paid by him on 4.7.15. It is also observed that the owner Shri Gandare has issued notice dated 9/7/15 through Advocate to Section Officer of Badlapur (R) Section, which

clarifies that the objection for electricity supply to Shri Vishe is taken by owner of gala.

Before coming to the conclusion in the above case, the Forum has referred MERC Regulations laid down in the Standard of Performance of Distribution Licensee, period for giving supply and determination of compensation- Regulation 2005. In the above Regulation the Clause at Sr. No.4 which is about the topic of period for giving supply is reproduced below :-

4.3 The Distribution Licensee shall complete the inspection of the premises related to an application for supply of electricity not later than seven (7) days from the date of submission of such application for supply in Class I cities and Urban Areas and within ten (10) days from date of submission of such application for supply of electricity in Rural Areas, regardless of whether such application is deemed to be complete under Regulation 4.2.

4.7 The Distribution Licensee shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one (1) month after receipt of the completed application and payment of charges for requiring such supply, if the supply to an applicant is to be given from an existing network of the Distribution Licensee.

4.10 The Distribution Licensee shall not be held responsible for the delay, if any, in giving supply on account of problems relating to statutory clearances, right of way, acquisition of land or the delay in consumer's obligation which is beyond the reasonable control of the Distribution Licensee.

After going through the above regulations, it is clear that the Officers of the Licensee has responded to A-1 application of the applicant Shri Vishe and issued him FQ which is further paid by him demanding for further connection of the supply.

The Officers of the Licensee argued during the hearing that when their team approached to the site for releasing the connection, the gala owner Shri Gandare has taken objection and opposed for releasing the connection.

The Forum also observed that it was the mandatory part for the applicant to submit the no objection certificate of the owner. In the above case, it is mandatory for the consumer as it reflects in Clause 4.7 mentioned above vide which the Licensee may provide the connection to the applicant after receipt of his application in all respect. The no objection certificate of the owner is necessary for fulfilling the “ application ” of Shri Vishe in complete format.

Also the Licensee cannot be held responsible for the delay occurred in releasing the connection in this case due to right of way problem and required statutory clearance as per clause 4.10 mentioned above. Also the dispute about the legal possession is already filed before the Hon’ble Civil Court.

Under the circumstances described in above paras, the grievance of the consumer deserves to be rejected.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 08/02/16 and their submissions are heard on that day and clarification taken on 08/02/2016. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence the order.

ORDER

The grievance application of the applicant Shri Rajendra N.Vishe is hereby rejected.

Date:10/03/2016.

I agree

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

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

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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.