



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/016/0145 OF 08-09
OF SHRI AMERJEET R. UPADHYAYA REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT NEW CONNECTION.

Shri Amarjeet R. Upadhyaya (Here in after
C/o. R. C. Hospital, referred to
Om Shreekripa C.H.S.Ltd. as Consumer)
Rambaug Lane No.4,Kalyan – 421 301

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Deputy referred to
Executive Engineer, Sub Dn.1.Kalyan. as licensee)

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 Regulatory Commission vide powers conformed 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 consumer registered grievance with the Forum on dated 08.07.2008 for getting new three phase connection for Hospital purpose.

The details are as follows: -

Name of the consumer: - Shri Amarjeet R. Upadhyaya.

Address: - As above

Consumer No: - 0202612081735 (New connection)

Reason for Dispute:- Delay in getting three phase new connection.

3. The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/187 dt.08.07.2008 to Nodal Officer of licensee. However, the letter is un-replied.
4. The Member Secretary & Member of the Forum heard both the parties on 31/07/2008 @ 15 Hrs. In the meeting hall of the Forum's office Shri R.R. Upadhyaya, Consumer's representative & Shri D. B. Nitnaware Nodal Officer, Shri G. T. Pachpohe, Deputy Executive Engineer, representatives of the licensee attended hearing.
5. Shri Amarjeet Ramchandra Upadhyaya, is owner and occupier of the garage situated at Shree Kripa Apt., Rambaug

Lane No.4, Kalyan(W). Consumer Representative (CR) Shri R.R. Upadhyaya, attended the hearing. CR stated that the consumer is practicing pathologist and have mobile machines to be stored in functional condition so that they can be maintained and used at various hospitals and at patients place for diagnostic purpose. He desired to store all his machines in functional condition in the garage occupied by him at above address and therefore applied three phase electric connection to this garage on 28.12.07. The licensee issued firm quotation of Rs.4150/- on 29.12.07 and he paid the same on 31.12.07. C.R. stated that however, meter is not installed till today. He made request to Dy.Executive Engineer on 29.2.08 (orally) but no action was initiated. Therefore he approached to IGRC on 30.4.08 who conducted the hearing on 28.5.08. After that more than 2 months have passed but still the grievance is not redressed. During the hearing on 28.5.08 Dy.E.E. Sub Dvn.1 given a letter dated 20.3.08 to submit NOC from Society on the basis of a letter from Om Shree Krupa Co.Op.Housing Society vide letter No.KLN/2007-08/MSEB/OD/24 dt. 13/1/08. CR stated that if the letter is actually received on 13.1.08, why they wrote letter on 20.3.08 and why this letter dated 20.3.08, is handed over on 28.5.08 during the IGRC hearing. Also there was mention only about NOC from Society. When approached to the Licensee repeatedly, then they demanded orally to produce

NOC from KDMC also, without which supply will not be released. The C.R. stated that Shri Amarjeet Ramchandra Updyay, is owner and occupier of the garage, connection is asked in his name and payment is made by him. The consumer stated that as per Maharashtra Electricity Regulatory Commission (MERC) rules, only documents of ownership and payment made to the licensee are required. The dealing is between distribution company and the prospective consumer and no question of any certificate from third party is arised. Here there is no business with third party i.e. with Society or KDMC etc. All these demands are tactics of the licensee to delay the issue with a malafied intention. Then the consumer prayed that (1) to order for installation of the meter at the premises (2) to order to pay the penalty as per Sec.43(3) of Indian Elec.Act 2003 & (3) to order damage for loss of business @ 1000/- per day till the date of installation.

6. The licensee in reply stated that when the A-1 form is received on 28/12/07. The premises has been inspected on 29.12.07 and quotation issued on 29.12.07, within the time limit, on the basis of load requirement and on the available documents. During the inspection on 29/12/07 the licensee can not understand the necessity of three phase connection for a garage and also the society orally informed the licensee that he is making alteration with an intention to convert the garage

to commercial purpose without any permission from KDMC. The Licensee stated that Mr. R.R. Upadhyaya was constantly following up the case. In the meantime, society submitted a letter dated 13.01.08 stating that the garage is in the name of Shri Kapil R. Updhyaya and some alteration is going on without the permission of the Housing Society and KDMC. Therefore the supply to this garage should not be given without submitting the NOC from our Society as well as from KDMC. In spite of our objection, if supply is given, we will take legal action against the MSEDCL. Later in one of his visits, CR has been informed of the fact orally. CR agreed to submit both the certificates. But later though he approached the licensee No. of times, he did not submit the NOCs. Thus we gave the same in writing vide letter No.Dy.EE/Sub Dn.1/265 dt. 20.3.08, Even after giving in writing instead of submitting the same, he started arguing that Mr. A.R. Updhyay is the owner of the garage and supply is asked in his name and he has paid necessary charges as per the licensee's demand. So it is the duty of the Licensee to release the supply and collect the NOCs from Housing Society as well as from KDMC by themselves, if required. If any problem arises after releasing supply, the licensee has full authority to disconnect the supply.

7. The licensee replied that before releasing the new connection, certain documents to confirm the ownership, legality as well

as some approval from Govt./Local bodies are very essential as per Circular No.CE/IRE/MIS/CFC/ABM/640/32114 dt. 05.10.05 and the licensee has to release the supply within one month, after submitting required documents.

8. The licensee agreed that he has approached the Licensee No.of times. But he has not submitted the documents, therefore, the supply could not be released uptill now. The licensee finally stated that since the garage is converted to commercial or storing and the purpose is mentioned as "hospital" the NOCs from KDMC the Housing Society are essential. As soon as above two documents are submitted, the connection will be released immediately.
9. Forum observed that the consumer applied for new connection on **28.12.2007** for hospital purpose. The licensee inspected the premises on **29.12.2007** within 7 days and given quotation on **29.12.07** within 15 days. The consumer paid the quotation amount on **31.12.07**. After payment the consumer did not get supply because the consumer did not submitted the documents required by the licensee. The Housing Society informed the licensee not to release three phase new connection to this garage until Shri Updhyaya submit the NOCs from Society and KDMC, otherwise licensee will have to face dire consequences. The consumer approached the IGRC on 30/04/2008 and IGRC given hearing on **28.05.08**. The IGRC also demanded the same documents. *Here there is*

no breach of MERC Standard Of Performance (SOP) or section 43/44 of The Indian Electricity Act, 2003 as stated by the C.R.

10. The forum observed that Society letter dt.13.1.08 they have mentioned the ownership of the same garage in the name of Shri Kapil Upadhyaya. If this is so, Shri Amarjeet Updhyaya is not entitled for getting electric supply at that premises, unless NOC is produced from Shri Kapil Upadhyaya.
11. The forum observed that the letter dt.13.1.08 received from Housing Society (Acknowledged on 14.1.08) regarding objection “not to release the electric connection” is conveyed by licensee to the consumer very late i.e. on 20.03.08 after more than two months.
12. Forum observed that after receipt of A-1 form licensee has inspected the site within seven days & the quotation issued within the time but since the consumer is not submitted the document supply could not be released.
13. After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, forum unanimously passed following order.

O-R-D-E-R

1. The licensee should release the new connection to applicant, within one month, after getting all documents from consumer, required by Licensee (Refer para No.7 above)
2. Since there is no violation of Section 43(2) (3) Or SOP 4.1 & 4.2 of Indian Electricity Act 2003, by the licensee, the pray of the applicant (1) to order for installation of the meter at the premises (2) to order to pay the penalty as per Sec.43(3) of Indian Elec. Act 2003 & (3) to order damage for loss of business @ 1000/- per day till the date of installation”, are hereby rejected.
3. Consumer can file appeal against this decision with the 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.

4. Consumer, as per section 142 of the Electricity Act, 003, can approach Maharashtra Electricity Regulatory Commission

the following address:-

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

For non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra

Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”.

Date :- 21/08/2008

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF Kalyan