



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/018/0149 OF 08-09
OF SHRI KANTILAL D. SUCHAK REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT NEW CONNECTION.

Shri Kantilal D. Suchak (Here in after
Suchak Arcade (Old Suchak Niwas) referred to
Murbad Road, as Consumer)
Kalyan (W)– 421 301

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Deputy referred to
Executive Engineer, Sub Dn.1.Kalyan (W) 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 04/08/2008 for 8 Nos. of new connections

The details are as follows: -

Name of the consumer: - Shri Kantilal D. Suchak

Address: - As above.

Reason for Dispute:- Delay in releasing New Connections.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/211dt.04/08/2008 to Nodal Officer of licensee. However, the letter is remained un-replied.
- 4). The Member Secretary & Member of the Forum heard both the parties on 21/08/2008 @ 15 Hrs. In the meeting hall of the Forum’s office Shri K. D. Suchak Consumer & Shri B. R. Mantri Consumer’s representative & Shri G. T. Pachpohe, Deputy Executive Engineer, Shri S. M. Jadhav Assistant Engineer,(Incharge of Nodal Officer), representatives of the licensee attended hearing.
- 5). The consumer repeated his grievance regarding new connections applied vide his letter dated 31.03.08 that they applied for new connection to the new building “Suchak

Arcade” constructed demolishing the old building on 31.03.08 They said that they were ready to provide land of 6x6 mtrs. For erection of transformer centre under Dedicated Distribution Facility (DDF) scheme. The licensee did not take any action for about two months. In the meantime we came to know that as per recent circular No. CE/Dist/D-III/Circular/22179 dt. 20.05.08 issued by CE(Dist) HO MSEDCL Mumbai, the consumer need not bear the cost of infrastructure, for the load below 500 KVA. Only to give application and pay the schedule of charges as approved by Maharashtra Electricity Regulatory Commission (MERC) order dated 08.09.06. Therefore we submitted revised application on 02.06.08 for 8 Nos. (6 Nos. 3 phase connections, 1 single phase commercial, and 1 R/L) connections with 148 KW load alongwith necessary documents such as A-1 forms, load data sheets, KDMC Bldg. approved plan, N/A order, 7/12 abstract etc. Consumer stated that they made correspondence with licensee vide our letter dated 17.06.08, 18.06.08 and 03.07.08. But till to date we have not received the payment order for these connections. As per Standard Of Performance (SOP) Sr.No.4 (4.4) MSEDCL required to issue payment order within fifteen days and release the connection within a month. Therefore we approached the IGRC on 17.07.08. We have not received any response from IGRC also, so went to CGRF on 02.08.08 and forum registered the case on

04.08.08. The LT/HT lines are going near this location, the licensee may release the supply by making their own infrastructure or augmenting nearby T/F. We have no space to spare for DTC and we can not bear the cost of T/F. As per MERC directives, this is licensee's responsibly.

- 6). In reply to above, the licensee stated that the consumer submitted an application on 21.03.08 to the licensee. In that letter he authorized to M/s. Vishakha Electricals at Rahur, Padgha for dealing all matters with MSEDCL. After that consumer submitted only a letter dated 31.03.08 regarding requirement of power supply to his residential-cum-commercial- polyclinic complex at Murbad Road Kalyan. It is true that no correspondence is made to the consumer from 31.03.08 to 02.06.08 (till revised application received to the licensee on 02.06.08).
- 7). In reply the licensee stated that after scrutiny of the application and ascertaining the technical feasibility, it is observed that licensee can not release 148 KW from the existing network due to overloading of T/F and require to erect a 200 KVA transformer in the vicinity. Therefore vide our letters dt.16.06.08, 07.06.08, dt. 19.06.08, and dt.11.08.08, we informed the consumer that the existing network is not capable to release this load. Also informed that another T/F available nearby is ORC transformer which is within

guarantee period so they will have to produce NOC from the owner of the ORC T/F. For erecting new transformer in the vicinity, you will have to spare 15x12ft space. T/F could be erected under DDF Scheme for which the expenditure will have to be born by the consumer. The consumer as per his letter dated 31.3.08 already had informed that we require power supply for our new Residential cum Commercial cum Polyclinic complex for which we are ready to carryout erection work of transformer centre under DDF @ 1.3% supervision charges and also ready to provide land of 6x6 mtr. for erection of transformer. They also informed vide letter dt.21.03.03 that M/s. Vishakha Electricals at Rahur Padgha is authorized to deal with MSEDCL for sanctioning load and installation of DTC at new complex. Since the party consented to carryout the DTC work under ORC an estimate under ORC has been prepared and processed for sanction.

- 8). The licensee further stated that in the meantime the consumer changed his view and gave a new application in A-1 form for 8 Nos. of connections with a load of 148 KW on 02.06.08 mentioning that the previous application dated 31.03.08 may be treated as cancelled as licensee did not give any response for two months. The consumer then informed that as per MERC guidelines, for giving supply, whatever modification required to be carried out on the existing infrastructure, is licensee's responsibility and reminded that as per SOP

MERC, the licensee has to give quotation/payment order within fifteen days and release the connection within a month, otherwise licensee will have to give us compensation till the supply is released. Therefore this issue is pending for implementation. At the end of hearing he proposed to spare the space for DTC and reducing the apply load upto 118 KW if I will get supply from existing T/F. The licensee said that the transformer can not be loaded more than 80% of its capacity.

- 9). The consumer stated that if the licensee having sufficient load capacity in the existing infrastructure they may release 148 KW otherwise consider revised the load of 118 KW.
- 10). The forum asked the licensee to submit the following details within 7 days
 - a). DTC energy audit (4168621 DTC Code) sanctioned load of existing 630 KVA T/F at Karnik Road
 - b). IT data of existing 630 KVA T/F regarding sanction load of various consumers connected on T/F.
 - c). MRI retrieved copy of LT MD meter which is installed for energy audit, be submitted in respect of DTC Code 4168621.
 - d). Non DDF pending list as on to-day.
- 11). The above information is not submitted by the licensee as well as to the consumer. Further consumer addressed a letter to the forum with a copy to the licensee on 11/09/2008 raising

various points to be answered by licensee as he did not get any reply from licensee till the date. Forum issued a reminder to the licensee vide letter no. EE/CGRF/Kalyan/007 dated 29/08/2008 regarding submission of information as required in hearing dated 21/08/2008.

- 12). After reminder the licensee submitted incomplete information to the forum vide letter no. 1257 dated 29/08/2008 without giving copy to consumer. In above letter only given current load in amperes. However, maximum load on T/F is asked in terms of KVA/KW.
- 13). Accordingly the licensee submitted the load verification report. Since the load details submitted by the licensee and the load details submitted by the consumer's representatives (CR) vary each other and the CR challenged being a technical expert, forum decided to inspect both the transformers and to take load details in front of licensee's representatives and consumer/consumer's representative. Thus forum issued a letter to licensee and consumer vide No. EE/CGRF/ Kalyan/ Conf./ 009 dated 16/09/2008, by fixing the date of inspection on 22.09.08.
- 14). After inspecting both the transformers, a second hearing was conducted in the forum office and following points were discussed. Consumer stated that during last hearing forum instructed the licensee to submit some details to the forum with a copy to consumer. Consumer said we have not

received any details from licensee. Consumer further stated that after first hearing when raised the doubt about the transformers loading, the licensee has changed meter and also added more load to Karnik Road T/F transferring some load from the Godbole Transformer through a jumper (which is in front of our building where supply is required) due to which the load on Karnik Road T/F has increased from 340 KVA to 400 KVA. This act on the part of licensee to make alteration/ changes/ installation etc. on the existing record after approaching the consumer to CGRF is not fair. Due to diversion of load the factual position of load of 630 KVA T/F is changed. All these are done to justify that the T/F has no spare load to accommodate this consumer.

- 15). On this licensee stated that it was not possible to project the data from old meter since the meter was faulty. Therefore we changed the meter and we will submit the data shortly.
- 16). Forum asked the licensee that after replacing the meter of Karnik Road T/F, you were instructed to take MRI report and submit it to Forum. But it is not yet submitted to forum. Forum asked the licensee whether the load applied by the consumer can be released from the existing transformer effecting any diversion of load from existing T/F to nearby T/F. Consumer has also given revised load. The licensee replied that the forum has taken the loads of both the existing transformers and we will also verify the present load and if found

permissible, after diversion of load from existing 630 KVA,(and considering the diversity factor 0.6 being applied load is residential/commercial purpose), we will see that whether the supply can be released from existing 630 KVA T/F as there is facility of diversion of loads is available from one T/F to another. A NOC letter from the owner of ORC T/F for argumentation given by the consumer handed over to the licensee during second hearing.

- 17). In spite of giving following letters and directives given in the hearing by forum vide dated 04.08.08, hearing on 21.08.08, letter No.007 dt. 29.08.08 and dated 16.09.08, the forum could not get complete information from licensee. Also the licensee did not give reply to the consumers letter dated 16.08.08 and 11.09.08, therefore forum compelled to personally carry out the inspection of the site on 22.09.08 at about 12.30 hours in presence of consumer/ consumer representative as well as licensee representatives and taken out the details required. It is observed at site that some shops were closed due to Monday holiday.
- 18). On inspection of Godbole 200 KVA T/F distribution box, it is observed that a cable of one circuit is removed from distribution box of Godbole T/F and same circuit is rejumped on the pole (in front of consumer's premises) with the circuit of 630 KVA LT circuit and some load is diverted from existing Godbole 200 KVA T/F to existing Karnik Road

630 KVA T/F. The same load can be re-diverted on exiting Godbole 200 KVA T/F after opening of said jumper (infront of Consumer premises) and same circuit connected to 200 KVA Godbole distribution box which is earlier removed from distribution box of Godbole T/F, so as to release the revised 132 KVA load to the consumer.

- 19). The licensee stated that there is a LT circuit link is available for above two existing transformers and it is possible to divert the existing load of both transformers on each other. This is stated by licensee and verified by the forum at site. Further licensee is agreed for consideration of 0.6 diversity factor being applied load is only for residential and commercial purpose. On above details the licensee has been asked to ascertain the possibility and submit the detailed load survey report of above existing two transformers to the forum, to decide whether the original load applied (164 KVA) or revised load applied (132 KVA) by the consumer, can be released from existing 630 KVA T/F at Karnik Road after transferring some load from Godbole 200 KVAT/F and considering the diversity factor as 0.6. The second hearing thus concluded at 1.30 PM.
- 20). After above directives the licensee informed to the forum vide letter No. T-31/1517 dt. 26.09.08 the exact load position of existing 630 KVA Karnik Road T/F and existing 200 KVA Godbole T/F which are as follows:

- a). The maximum connected load on existing 630 KVA Karnik Road T/F is :-

The existing Elester make meter is 100/5A rating and CT ratio installed is 800/5A, so M.F. is 8. (As per technical feasibility 80% load can be given to the existing transformer) i.e. existing load is 52×8 (i.e. 416 KVA) whereas load can be connected upto 80% of 630 kVA T/F is 504 KVA. The revised load applied by the consumer is 132 KVA.

- b). The maximum connected load on existing 200 KVA Godbole T/F is :-

The existing Duke Arnic make meter is 100/5A rating and CT ratio installed is 300/5A, so M.F. is 3. (As per technical feasibility 80% load can be given to the existing transformer) i.e. existing load is 36×3 (i.e. 108 KVA) whereas load can be connected upto 80% of 200 kVA T/F is 160 KVA.

- c). Also a estimate for new T/F on the existing running company's HT line is already sanctioned by our higher authority and quotation for the payment is already sent to the party by post.
- d). During the hearing on 22.09.08 the N.O.C from concerned party for augmentation of existing ORC T/F near his premises, is given for consideration to the higher authority.

- 21). The forum's finding are follows:
- a). The consumer at first applied new connection under DDF. But due to delay from the licensee, they cancelled the first proposal and given fresh application under non-DDF vide their letter dated 02.06.08. Forum asked the licensee that the consumer require electric supply and licensee wants revenue so both the parties should sit together, discuss, and amicably settle the issue, as they are willing to reduce the original demand load. On this, licensee stated that on receipt of their final decision, we can release the supply to this consumer in chronological order, since there are some other non DDF applications pending with them. On this Forum asked the licensee to give a list of non DDF applications pending with them, within 10 days from the date of hearing, in addition to the information as asked above. Forum stated that the consumer has given a letter dated 16.08.08, a copy of which is given in the meeting to the Nodal Officer (incharge) and asked the licensee to give point wise reply.

 - b). The forum in the first hearing had asked the licensee to submit the details of DTC meter, MRI report, IT Data regarding sanction load of 630 KVA T/F, pending non- DDF list as on 21.8.08 etc. But the licensee not submitted any such details, but changed the DTC meter of 630 KVA

Karnik Road T/F, as it said to be faulty. Test certificate of old DTC faulty meter not submitted to the forum. Further MRI report of new meter, IT Data regarding sanction load of 630 KVA T/F are also not submitted by licensee for verification of load of the T/F. A letter from the consumer dated 16.08.08 asking point wise reply was shown to the Nodal Officer during the hearing on 21.08.08. The Nodal Officer stated that we have not received such letter. Hence a copy of the same was handed by forum to Nodal Officer during this hearing. But no point wise reply is still given by the licensee. In this letter consumer mentioned the load of 630 KVA T/F as 340 KVA along with photo copy of DTC meter. (DTC meter shows 42.4 KVA MD considering CT ratio 800/5A).

- c). The consumer has also addressed a letter dated 11.09.08 addressed to forum with a copy to Nodal Officer, raising various points. The major issue mentioned in the letter was diversion of load by applying jumper in front of his premises after hearing date due to which the load of 630 KVA transformer is increased and load of 200 KVA T/F is decreased accordingly. It is appeared that the licensee is not given point wise reply to this letter also.
- d). The licensee is not submitted any documentary evidence regarding restriction of T/F loading upto 80% T/F capacity.

e). After receipt of consumer's letter dt. 02.06.08 regarding cancellation of earlier application dated 31.03.08, the licensee processed the estimate under DDF in June 08 and sanctioned vide letter No.SE/KCK-1/Tech/3911 dt. 01.09.08. This estimate was framed and sanctioned on the basis of consumer's first application dated 31.03.08, even after canceling the application on 02.06.08. The party has also refused this estimate as per their letter dt. 11.09.08 since it is the responsibility of the licensee to create infrastructure for releasing of load below 500 KVA.

22). The licensee vide L.No.1527 dt. 26.09.08 submitted exact load position of the both the transformers. On this the forum come to conclusion that :

A). With considering the diversity factor as 0.6 (as agreed by the licensee during the hearing dt.22.09.08 being applied load is comm. & Resi. Purpose) and without diversion of load, from 630 KVA to 200 KVA T/F.

The applied revised load is 132 KVA (i.e.118 KW).

Considering diversity factor as 0.6, the revised applied load will be $132 \times 0.6 = 79.2$ KVA.

i) Whereas maximum load of existing 630 KVA T/F is 416 KVA as reported by licensee vide letter no. 1537 dt. 26/09/08.

ii). After releasing of above revised load after considering the diversity factor, the load of existing 630

KVA T/F will be $416 \text{ KVA} + 79.2 \text{ KVA} = 495.2 \text{ KVA}$ which is less than 504 KVA i.e. below 80% of loading of T/F.

OR

- B). Without considering diversity factor as 0.6 and only diversion of load from existing 630 KVA T/F to 200 KVA T/F.
- i). considering without diversity factor as 0.6 the applied revised load is 132 KVA (i.e.118 KW).
 - ii). Whereas maximum load of existing 630 KVA T/F is 416 KVA as reported by licensee vide letter no. 1537 dt. 26/09/08.
 - iii). If only 50 KVA T/F load will be diverted from existing 630 KVA T/F to existing 200 KVA transformer, the position of both transformers after transferring above load is as follow:(as diversion of load facility is available with licensee and it is confirmed by forum during the inspection 22.09.08 and licensee accepted the diversion of load during second hearing after inspection).
 - a). After transferring 50 kVA load, the load position of 630KVA T/F will be $416 \text{ (existing maximum load)} - 50 \text{ KVA} = 366 \text{ KVA}$.
 - b). After adding 50 KVA load on Godbole 200 KVA transformer, the load position of 200 KVA T/F will be $108 \text{ (existing maximum load)+ } 50 \text{ KVA} = 158 \text{ KVA}$, which is less than 160 KVA i.e. below 80% loading.

c). The position after transferring 50 KVA load and adding proposed applied revised load i.e.132 KVA, the load position of existing 630 KVA T/F will be 366 KVA (after diversion of 50 KVA load to 200 KVA T/F) + 132 KVA (revised applied load of consumer) = 498 KVA which is less than 504 KVA i.e. below 80% of loading.

Above (A) or (B) facility will be implemented only for revised load applied by consumer for 132 KVA (118 KW load) only.

Period for giving supply: Any one of above (A or B)facility

should be implemented as per Sec. 4 Sub Clause No.4.1, and 4.3, of MERC Standard of Performance (SOP) of Distribution Licensees, period for giving supply and determination of Compensation) Regulations 2005.

The Standard Of Performance 4.1 read as “ The Distribution licensee, shall, on an application by the owner or occupier of any premises give supply of electricity to such a premises, within one month after receipt of the application requiring such a supply”.

SOP 4.3 read as “The distribution licensee shall complete the inspection of the premises related to an application for supply of electricity not latter than 7 days from the date of submission of such a application for supply in towns and cities and within

10 days from the date of submission of such application for supply in rural areas regardless of whether such application is deemed to be completed under section 4.2”

- 23). If consumer wants original applied load i.e. 164.5 KVA (148 kw) this load can be considered after augmentation of existing ORC T/F near consumer's premises for which the owner of ORC T/F has already given the NOC dt.16.8.08 addressed to Sub Dnl. Engr. Sub Dn.1 and the same is handed over to the licensee during the second hearing on 22.09.08.

Period for giving supply: The time period for the above works should be observed as per Sec. 4 Sub Clause No.4.6 & 4.7 of MERC (Standard of Performance of Distribution Licensees, period for giving supply and determination of Compensation) Regulations 2005). **SOP 4.6 read as “ Where the supply of electricity to a premises requires commissioning of a new sub-station forming part of the distribution system, the Distribution Licensee shall give supply to such premises within one(1) year from the date of receipt of complete application in accordance with the Maharashtra Electricity Regulatory Commission (Electricity Supply code and Other Conditions of Supply) Regulations, 2005.”**

SOP 4.7 read as “ Where the supply to an applicant requires extension or augmentation of distributing main or commissioning of a new sub-station, the Distribution Licensee shall complete the inspection of premises within seven days and intimate the charges to be borne by such applicant within thirty days from the date of submission of such application for supply regardless of whether the application is deemed to be complete under Regulation 4.2.”

- 24). Forum observed that as per guidelines given vide CE(Dist)'s circular No.22197 dt.20.05.08, for releasing new connections upto 500 KVA load “(a). All, the infrastructure will be created by MSEDCL and only schedule of charges as proved by MERC order dated 08.09.06 (Case No.70/2005) will be recovered. (b). If the consumer/group of consumers wants early connections and opts to execute the work and bears the cost of infrastructure then the refund of the cost of infrastructure will be given by way of adjustment through energy bills (c). While releasing load in complex/s and where DTC is required to be established in that complex, the provision for land to accommodate DTC shall be made available by the Developers from the space earmarked for amenities and public utilities, be made available to MSEDCL on non chargeable basis by developer/owner” As per this the licensee only can

demand space for DTC and DTC has to be erected by Licensee. The licensee said that if the land is made available by the consumer, they will install the 200 KVA transformer centre. The consumer has been requested to earmark the location and to reduce the load if they not required that much load, as informed in the hearing and inform the licensee. Accordingly the consumer prepared to reduce the load and informed the licensee that their load is reduced from 148 KW to 118 KW and if the licensee having sufficient load to match their existing requirement, they may release a load of 148 KW, otherwise consider revised load of 118 KW from existing infrastructure.

- 25). Further vide licensee's letter No.T/31/1537 dt. 26.9.08, the licensee informed that new transformer is sanctioned and quotation for the same is sent to consumer by post for releasing 164.5 KVA (148 KW). But the consumer was not ready to accept this offer and the same is intimated to the licensee vide letter dt. 11.09.08 addressed to Supdtg. Engineer Kalyan Circle-1. As per MERC Regulations, the licensee can not insist the consumer to opt DDF unless the consumer request for the same.

- 26). The consumer submitted first application for new connection on 31.03.08. The consumer submitted fresh application, cancelling first application on 02.06.08. The licensee was

supposed to make survey within 7 days from the date of receipt of application as per SOP No.4.3. This has not been done. Therefore the consumer is liable for compensation for 8 weeks @ Rs.100/- per week i.e. Rs.800/-. Secondly the licensee was required to issue quotation within 30 days from the date of survey as per SOP No.4.7. This has also not done by the licensee. Therefore the consumer is liable for compensation for 5 weeks @ Rs.100/- per week i.e. Rs.500/-

- 27) After cancellation of application dated 31.3.08 due to non compliance, consumer submitted fresh application on 2.6.08. It appears that the licensee has made No.of correspondence regarding estimate from June 08 under DDF scheme. Meanwhile the consumer reduced his load to facilitate to release the load from existing infrastructure due to over loading of existing system on 25.08.08. The licensee sanctioned the estimate under DDF vide estimate No.3911 dt. 01.09.08 and the same is refused by the consumer dt. 11.09.08. After that the licensee reviewed the technical feasibility to accommodate the reduced load and informed to forum vide their letter No.1537 dt. 26.09.08. From this it is clear that the issue is actively under process from both sides. Hence the consumer is not entitle for compensation as per Electricity Act 2003 Sec.43(3) loss of business for Rs.1000/-

per day till installation/ release of connection as demanded by consumer.

- 28). After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, and site inspection carried by the forum along with both the parties, forum unanimously passed following order.

O-R-D-E-R

- 1). If the consumer is ready to take connections as per revised load i.e. 132 KVA, as intimated to licensee on 25.08.08, the licensee may release 8 Nos. of connections, after observing technical feasibility,(as per para No.22 above, under (A) OR (B).
- 2). If the consumer is ready to take connections as per original load i.e. 164.5 KVA (148 KW) the licensee may release 8 Nos. of connections as per para No.23 above.
- 3) The licensee violated SOP, so the consumer is entitle for the compensation of Rs. 800/- + Rs. 500/- = Rs. 1300/- (Rs. One thousand three hundred only), within 90 days from the date of decision. (refer para 26 above).
- 4). The demand of consumer for compensation as per Electricity Act 2003 Sec.43(3) loss of business for Rs.1000/- (Rs. One thousand only) per day till installation/ release of connection, hereby rejected, as per para 27 above.

- 5). Compliance should be reported to the forum in stipulated time limit from the date of this decision.
- 6). 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.

- 7). Consumer, as per section 142 of the Electricity Act, 2003, 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 :- 01/10/2008.

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

CGRF Kalyan

Kalyan

Member Secretary

CGRF