



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/N/033/362 OF 2009-2010 OF M/S. SAI GOPAL ENTERPRISES, NALLASOPARA (EAST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTIONS.

M/s. Sai Gopal Enterprises
Darpan Niwas, Shiv Mandir Road,
Moregaon, Virar Road, Nallasopara (East),
Tal: Vasai, Dist : Thane - 401 209

} (Here in after referred to as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Nallasopara East Sub/Division

} (Here in after referred to 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 (MERC) 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 applicant registered grievance with the Forum on 20/02/2010 regarding the New Connections. The details are as follows: -

Name of the consumer : M/s. Sai Gopal Enterprises

Address: - As above

Consumer No : --

Reason for Dispute : - Regarding New Connections

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0081, dt. 20/02/2010 to the Nodal Officer of the Licensee, and the Licensee through their Dy. Ex. Engr. Nallasopara East Sub/Dn. filed reply vide letter No. DYEE/Nallasopara Sub.Dn/East/697, dt. 11/03/2010.

- 4) The Members of the forum heard both the parties at length on 12/03/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Ashok Gupta, Consumer and Shri Girish Patel, Shri Mahesh Naik, Shri K. V. Patil Consumer Representatives, Shri S. J. Mungare, Nodal Officer, Shri Nitin Pewekar, Dy. Ex. Engr. Representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5). Proprietor of Sai Gopal Enterprises Nallasopara (East) had temporary electric connection. After completion of building he applied for getting

new connection to the persons named in the list around 26. According to Shri Patil he made this sort of application to the Division Office of licensee at Vijaynagar and as per the directions of the officials he deposited the amount on 24/12/09 however, Distribution Licensee did not give them electric connection,. It is contended that as per the provisions of Electricity Act and Regulations, licensee is under obligation to give supply within seven days from receipt of the application failure which the concerned officials are liable for penalty. According to complainant inspite of receipt of application for new connection and deposit of the amount to that effect and repeated efforts, since licensee failed to give new electric connection he suffered mental and physical trouble. Therefore he lodged this grievance with a prayer to direct the licensee to give new connection to the persons mentioned in the list and penalty as provided in the Electricity Act.

- 6) Licensee denied the allegations leveled against them. It is contended that by letter dt. 15/01/2010 Dy. Ex. Engr. had instructed the complainant to make application in Form No. 'A-1' for getting new connection. It is further contended that 26 persons named in the list deposited charges for connection on 24/12/09. It is contended that existing transformer is of 100 KVA, however to give more connections augmentation of 100 KVA transformer to 200 KVA is required for which estimate of Rs. 3,77,214/- is sent to the higher authority and on getting sanction from the higher authority, work of augmentation can be done. It is contended that for want of augmentation new connection cannot be given.

- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether licensee is justified in not giving new connections in the present situation to the complainant ?	Yes
b)What Order ?	As per Order below

Reasons

- 8) At the outset, it is to be noted that proprietor of M/s. Sai Gopal Enterprises lodged this grievance in person. Alongwith the grievance he filed list of 26 persons who deposited charges for new connections. This indicates grievance is of proprietor himself and the persons named in the list. Under Clause 6.2 of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006” aggrieved person in the first instance has to intimate grievance to IGRC in the specified form and feeling aggrieved of the same to approach the Forum vide Clause 6.7. In the case in hand, complainant proprietor nor the persons named in the enclosed list approached the IGRC. Further vide Clause 6.10 of the said Regulation grievance is to be submitted in writing to the Forum in the format set out in Schedule ‘A’. Persons named in the list have not completed the formalities as required nor the complainant specifically states that he represents the above persons for redressal of their grievances. Under the circumstance grievance lodged before this

Forum can be said of complainant and not of the persons in the list enclosed.

- 9) Considering the laudable object in enacting the Electricity Act, assuming for a moment, grievance is of complainant and the persons named in the list, point arises whether in the present situation licensee can give new electric connections to all such persons. It is the grievance that 26 persons applied for new connections and accordingly deposited amount of quotation on 24/12/2009, however till today they have not been given connections. True it is, as per the S.O.P. and Section 43 of the Electricity Act, strict time limit is laid down for giving new connection. As per the time limit within thirty days from the date of receipt of application, new connection is to be given. Here application for new connection is given prior to 24/12/09, however till today they have not been given connection. In this context, licensee contended that capacity of existing transformer is 100 KVA and to meet the need of new connections 200 KVA transformer is required to be installed for which estimate of running in lakhs is sent to the higher authority for approval. As seen from the letter of Dy. Ex. Engr. Nallasopara (East) dt. 15/01/2010 due to overloading there is chance of failure of transformer thereby creating unrest among consumers, consumers getting more panic with supply failure other than load shedding period, to avoid failure of transformer due to overloading and to provide good quality of supply it is necessary to augment the transformer to 200 KVA. In short, for want of KVA capacity, new connections are not given. As per Clause 4.5 of "Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations 2005" licensee has to supply

electricity to the premises within three months from the date of receipt of complete application where extension or augmentation of distributing mains is required. In the case in hand, applications for new connections are made prior to 24/12/09. As per the said proviso since augmentation requires, supply is to be made within three months i.e. by 24/03/2010. In the present situation the capacity of existing transformer is not to extend new electric connections to meet the demand made above. From this point of view licensee is justified in not giving connection in the present situation as prayed by the complainant, therefore question of saddling any of the officials with penalty is out of question. However, at the same time, licensee cannot keep silent causing inconvenience to the persons who are in need of electricity. Considering the present situation of transformer however the licensee can very well be directed to augment the transformer to 200 KVA of which sanction is pending, in a time bound manner by the end of May 2010 to avoid complications in the matter vide Clause 8.2 of Regulation 2006 referred herein above. In this view of the matter grievance application will have to be disposed off with certain directions. Point is answered accordingly and hence the order :

ORDER

- 1) Grievance application is disposed off.
- 2) Licensee is directed to augment existing 100 KVA Transformer to 200 KVA at Moregaon – II positively by the end of May 2010.

- 3) On installing Transformer of 200 KVA at Moregaon – II as above, licensee to give new electric connections to the complainant and the persons named in the list as per rules.
- 4) Stay Order issued by this Forum vide No. EE/CGRF/Kalyan/127, dt. 22/03/2010 is hereby vacated.
- 5) Licensee to report on compliance to the Forum by 15th June 2010 positively.
- 6) The Consumer can file representation against this decision with the Ombudsman at the following address.
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”
Representation 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 at 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” within 60 days from the date of this order.

Date : 19/04/2010

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan