



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/004/0036 OF 05-06
OF SHRI SHEBSINGH H. KHALSA REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT RELEASE OF ADDITIONAL LOAD
OF FORTY-SIX H. P.

Shri Sahebsingh H. Khalsa, (Here in after
Behind SES High School, referred to
Ulhasnagar -3
as consumer

Versus

Maharashtra State Electricity Distribution Co. Here in after
Ltd. through its Assistant Engineer, referred to
Sub-Division No. –3, Ulhasnagar as
licensee

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003" to redress the grievances of consumers. This regulation has been made

by the Maharashtra Electricity Regulatory 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 consumer is L.T. consumer of the licensee connected to their 415-volt network. The consumer registered grievance with forum on 11/10/2005. The details are as follows.

Name of consumer: - Shri Sahebsingh H. Khalsa.

Address: - Same as above

Consumer No.:- 021514000406.

- 3) *The consumer made the following grievance in his application.*

a) The consumer has sanctioned load of 19 HP and applied to licensee for additional load of 46 HP on 14/03/2005. Till date the additional load has not been sanctioned to consumer. Even site inspection has not been carried out within 7 days from application date and the estimate or quotation has also not been given within 15 days from date of application. No correspondence has also been done with consumer.

b) Licensee has violated Section 43 of Electricity Act, 2003 and Regulations 4.1, 4.2, 4.3, 4.4 and 4.7as well as 9.3 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensee, Period of Giving Supply and Determination of Compensation) Regulations, 2005. Licensee has also

violated the Regulations 4.3 (iii), (iv), 5.1, 5.1(a) & (b) of Maharashtra Electricity Regulatory Commission (Electricity Supply code and other Conditions of Supply) Regulations, 2005 as under.

4.3(iii): - Status is not displayed at the concerned office.

(iv):- Has not informed status to consumer despite letter 16th June.

1 Licensee has done no inspection and relevant correspondence with consumer.

5.1(a) & (b): - Not compiled by licensee.

The consumer made the following prayer for relief.

The delaying tactics of licensee has caused and irreparable loss on various grounds as under.

A) Financial Loss: - A1- Actual out of pocket expenses for follow up.

A2- Production loss.

A3- Image face off in market.

B) Health loss: - Due to mental stress and strain.

The consumer further stated that these losses couldn't be compensated by any law or by money and as such requested forum

(i) To pass an order to release addition load of 46 HP within 15 days.

(ii) To grant compensation of Rs 1,86,200/- as follows.

32 weeks x Rs. 100 per week= Rs 3200/-

Grievance No.K/N/004/0036 of 05-06

(Delay of 32 weeks for not carrying out site inspection from date of application.)

30 weeks x Rs 100 per week = Rs 3000/-

(Delay of 30 weeks in giving estimate/quotation from date of application).

180 days x 1000 = Rs 1,80,000/-

(Non-release of connection within 30 days from the date of application and delay of 180 days.)

- 4) The batch of papers containing above grievances was sent by forum vide letter No. 328 dated 11/10/2005 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 5) All three members of the forum heard both the parties on 21/11/2005. Shri Sahebsingh Khalsa, Shri S.W. Deshmukh, Shri Ravi Anand, Shri Pasarkar represented consumer. Shri H.K. Randive Nodal Officer and Shri S.K. Sawle Deputy Executive Engineer represented licensee.
- 6) Licensee submitted to forum letter No. 1158 dated 24/03/2005 addressed to Shri Sahebsingh H. Khalsa in response to his application dated 14/03/2005 requiring Shri Sahebsingh Khalsa to submit documents mentioned in the said letter. Shri Sahebsingh Khalsa received this letter as seen from the outward register of the licensee-bearing signature of Shri Sahebsingh Khalsa for receipt of letter No.1158 dated 24/03/2005.
- 7) Licensee on 5/12/2005 also submitted to forum firm quotation/demand note No. 3164 dated 5/12/2005 addressed

to consumer demanding Rs 89,940/- from consumer for release of additional load of 46 HP.

8) Consumer has pointed out violation of Section 43 of Electricity Act, 2003 (EA, 2003) and Regulations 4.1, 4.2, 4.3, 4.4 and 4.7 as well as 9.3 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensee, Period of Giving Supply and Determination of Compensation) Regulations, 2005, herein after referred to as SOP. Consumer has also pointed out violation of the Regulations 4.3 (iii), (iv), 5.1, 5.1(a) & (b) of Maharashtra Electricity Regulatory Commission (Electricity Supply code and other Conditions of Supply) Regulations, 2005, herein after referred to as Supply Code. The said section and regulations with comments of the forum are reproduced below.

a) Section 43 of EA, 2003: Every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises within such period as may be specified by the Appropriate Commission. The period prescribed by appropriate commission i.e. Maharashtra Electricity Regulatory Commission (MERC) vide regulation 4.6 of SOP for giving supply of electricity to a premises,

where commissioning of new sub station forming part of the distribution system is required, is one year from the date of receipt of complete application from consumer. The forum observed that in this case a period of one year is required for giving supply of electricity to consumer from the date of his application (14/03/2005) as commissioning of new sub station is required as per technical survey of the licensee. Thus there is no breach of Section 43 of EA, 2003.

- b) Regulation 4.1 of SOP: The Distribution Licensee shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply. The forum observed that, when this section is read with section 4.6 of SOP, there is no delay by licensee for giving supply of electricity to the consumer and there is no breach of section 4.1 of SOP
- c) Regulation 4.2 of SOP: The application referred to in Regulation 4.1 shall be deemed to be received on the date of receipt of the duly complete application in accordance with the SOP. The forum noted that the licensee has acknowledged the receipt of consumer's application vide it's letter dated 24/03/2005 addressed to consumer and thus there is no breach of section 4.2 of SOP.
- d) Regulation 4.3 of SOP: The Distribution Licensee shall complete the inspection of the premises related to an

application for supply of electricity not later than seven days from the date of submission of such application for supply in towns and cities and within ten days from the date of submission of such application for supply in rural areas, regardless of whether such application is deemed to be complete under Regulation 4.2. The forum observed that the licensee has acknowledged the receipt of consumer's application of dated 14/03/2005 vide its letter dated 24/03/2005 addressed to consumer within seven working days and thus there is no breach of section 4.3 of SOP.

- e) Regulation 4.4 of SOP: Where the supply to an applicant is to be given from an existing network of the Distribution Licensee, the Distribution Licensee shall intimate the charges to be borne by the applicant not later than fifteen days the date of submission of such application for supply in towns and cities and within twenty days from the date of submission of such application for supply in rural areas, regardless of whether such application is deemed to be complete under Regulation 4.2. The forum noted that the provision of this section is not applicable in the present case as the supply of electricity is not to be given from the existing network of the licensee. Thus there is no breach of section 4.4 of SOP.
- f) Regulation 4.7 of SOP: Where the supply to an applicant requires extension or augmentation of distribution 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. The forum noted that the licensee has not intimated the charges to the consumer within thirty days from the date of submission of his application and thus there is a breach of 4.7 of SOP.

- g) Regulation 9.3 of SOP: Upon receipt of a request by a consumer for reduction of contract demand/sanctioned load of such consumer, the Distribution Licensee shall, unless otherwise agreed so, reduce the contract demand/sanctioned load of such consumer before the expiry of the second cycle after the receipt of such request. The forum observed that provision of this section is not applicable in this case and the violation of this section quoted by consumer is irrelevant.
- h) Regulation of 4.3 (iii) of Supply Code: It shall be the duty of the Distribution Licensee to display, at each office where application are accepted, for each category of application, the date upto which the application have been cleared. The forum noted that there is a breach of Regulation 4.3 (iii) of Supply Code for not displaying in the office the status of each application received by licensee.
- i) Regulation of 4.3 (iv) of Supply Code: It shall be the duty of the Distribution Licensee to inform an applicant, upon

request, of the status of his application and the reasons, if any, for non-disposal of the application. The forum observed that the licensee has not informed the consumer the status of his application and the reasons for delay, even though the consumer has requested licensee vide its letter dated 16/06/2005, till 5/12/2005. thus there is a breach of regulation 4.3 (iv) of Supply Code.

j) Regulation of 5.1(a) & (b) of Supply Code: After a Distribution Licensee receives a duly complete application containing all necessary information/documents in accordance with Regulation 4.1 above, the Distribution Licensee shall send its Authorized Representative to (a) study the technical requirements of giving supply; and (b) inspect the premises to which supply is to be given, with prior intimation to the applicant. The forum noted that the licensee has done technical survey and as such there is no breach of Regulation 5.1 (a) & (b) of Supply Code.

9) In view of the position explained in preceding para 7, the forum is of the opinion that:

- (i) No compensation can be granted to consumer, as per item 1(i) of Appendix "A" of Regulation 12.1 of the SOP, as the licensee has completed inspection of consumer's premises within seven days from the date of receipt of consumer's application dated 14/03/2005 and intimated consumer vide its letter dated 24/03/2005.
- (ii) Compensation for delay of more than thirty days for intimating charges to the consumer, where commissioning

of sub-station is required, can be granted to consumer as follows.

Delay of more than 33 weeks & less than 34 weeks after 30 days from the date of application of consumer to licensee i.e. 14/3/05 to date of intimating charges by licensee i.e. 5/12/05.

Charges @ Rs 100 per week x 34 week = Rs 3400/-

iii) The power to impose penalty as per Section 143 of EA, 2003 rests with Adjudicating Officer appointed by MERC and as such forum is not competent to impose penalty for any breach of Section 43 of EA, 2003. Notwithstanding the above provision of imposing penalty, the forum is of the opinion that in this case there is no breach of Section 43 of EA, 2003 when read in conjunction with Regulation 4.6 of SOP.

10) After taking the stock of entire situation, we, unanimously pass the following order.

O-R-D-E-R

2. The consumer's request to order licensee to pay compensation of Rupees One lakh eighty six thousand two hundred (Rs. 1,86,200/-) only is, hereby, rejected except mentioned below in para 2. There is no basis for awarding this compensation in total.
3. A compensation of Rupees Three thousand four hundred (Rs. 3400/-) only for delay of more than 33 weeks & less than 34 weeks after 30 days from the date of application of consumer i.e. 14/3/05 to date of intimating charges by

licensee i.e. 5/12/05 is, hereby, granted. The licensee should pay this compensation to consumer within 90 days from the date of this order.

4. The licensee should commission new sub station and release supply to consumer within one year from 14/03/2005 (date of application of consumer) subject to compliance of formalities as per law.
5. 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 5.
Appeal can be filed within 90 days from the date of order.

6. 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".

Date: - 08/12/2005 Partial

(Sau.V.V.Kelkar)

(I.Q.Najam)

Member
CGRF, Kalyan

Chair person
CGRF, Kalyan

(M.R. Mehetre)
Member Secretary
CGRF, Kalyan