



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

---

Date of Grievance : 03/05/2013  
Date of Order : 05/06/2013  
Period Taken : 33 days

**IN THE MATTER OF GRIEVANCE NO. K/N/106/842 OF 2012-13  
OF REGENCY NIRMAN LTD. OF ULHASNAGAR, DIST-THANE  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM  
KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL/NON  
SUPPLY OF CONNECTION/ILLEGAL DISCONNECTION**

Regency Nirman Ltd.,  
110-111, Anil Complex,  
Regency Hall,  
New Link Road,  
Ulhasnagar-421 002

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Exe. Engineer, Kalyan 'R' Division

(Here-in-after  
referred  
as Licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. The 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 seeking supply to Residential complex from the Licensee. Consumer registered Grievance with the Forum on 03/05/2013 for not giving supply.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0268 dated 03/05/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 14/05/2013.
4. This matter is taken up today. On behalf of Consumer its authorized person, viz. Mr. Sahebrao Badane is present. He placed on record further additional reply dated 2/6/13. Copy of it provided to the Officers of Licensee. Nodal Officer-Shri Giradkar, Asst. Engineer-Shri G.M. Patil along with their Asst. Law Officer-Mr. P.R. Gawade attended. Reply is already presented on behalf of Licensee dated 14/5/13 which is endorsed by Nodal Officer vide letter dated 1/6/13.
5. On the basis of submissions made and papers available following factual aspects are disclosed:-
  - a) M/s. Regency Nirman Ltd. is developing housing project in Village Mandatitvala and approached the Licensee for supply. Said particular demand is lodged from 2/12/2011. Thereafter from time to time letters are exchanged amongst these parties.
  - b) Housing Project, i.e. Township is being developed by the Applicant which is spread over 68 acres that too in first phase. Plans are already approved by the Town Planning Authority and as per the said Town Planning approval, area of 5% is already reserved as per the Development Control Rules for essential services, etc.
  - c) It is the contention of the Licensee that considering the area being developed by the Applicant it is of 68 acres and load required is of heavy and for that

purpose they have sought area of 2,800 sq.mtrs. for establishing the substation that too considering almost all aspects, i.e. feasibility.

- d) It is the contention of the Applicant that already 5% area is reserves and it is at the disposal of appropriate authority, i.e. Commissioner of Municipal Corporation, i.e. KDMC. It can be sought by the Licensee from that authority. Further the Licensee claims that Applicant is required to approach the said appropriate authority for ear marking area of 2800 sq.mtrs. for the Licensee. Accordingly, the Applicant claims that Licensee is to approach the and Licensee claims that as it is a demand of Applicant it is to approach and seek the direction from the appropriate authority for earmarking area.
  - e) With this grievance Consumer had already approached the Licensee with various letters and lastly, as no relief was granted, grievance is submitted before this Forum on 3/5/2013.
  - f) Considering the plea of Applicant notice was issued to the Officers of Licensee and as stated above they appeared; reply is presented and contention is reiterated that area required is to be provided which is as per SOP of MERC and unless it is approved, the total compliance required with application for supply will not be complete.
6. During the course of hearing initially a technical objection is raised contending that Applicant is not a Consumer as per the definition of Electricity Act. Secondly it is pointed out that even it is not a grievance as per the provisions contained in MERC regulation. In this regard it is vehemently contended that this Application itself is not tenable as Applicant is not Consumer. However it is a fact that as per the definition of grievance which is sought by the Officers of Licensee it pertains to performances by the Licensee and SOP speaks about different aspects to be dealt while complying the demand by Consumer for supply. No doubt in the strict sense the Applicant will be Consumer only after

agreement is executed and supply is given but his status prior to it is of Applicant and there is a provision for approaching the Forum if there is any flaw in the performance as prescribed in the SOP. Accordingly we find strictly the Applicant cannot be said to be the Consumer but very well he is the Applicant in strict sense he is a prospective consumer and his grievance is tenable before this Forum.

7. Main dispute, as perceived pertains to area to be spared for putting up Sub Station. Considering the vast development more particularly of 68 acres Licensee seeks 2800 sq.mtrs. area for construction of Sub Station but keeping in mind the heavy load required to be supplied and as against it, the Applicant has expressed intention to provide 600 sq.mtrs. which Licensee feels is inadequate. No doubt, the Applicant is refusing to provide the area but makes it clear that already 5% of the total area is reserved; it is at the disposal of appropriate authority and appropriate authority is to be approached for release of required area. On behalf of Licensee it is claimed Applicant was to get the area earmarked from appropriate authority but the Applicant has chosen not to do it but approached this Forum and made no attempt to approach the appropriate authority for seeking direction about reserving area which Licensee is demanding. Now, a short question comes up, who has to approach the appropriate authority and the appropriate authority is the only authority to decide the need of the Licensee to the extent of 2800 sq.mtrs. Under such circumstances, it is expected that Applicant should approach the appropriate authority, communicating the demand of Licensee and to have the order from that appropriate authority wherein on behalf of Licensee Officers submitted that they too will respond giving reply to the appropriate authority. Accordingly we at this stage find that unless total compliance is completed, it cannot be said that application for supply is complete and valid one. Accordingly as it is only process of seeking area we direct that let steps be taken by the Applicant to approach the appropriate authority for earmarking the area which can be

effectively dealt even from Licensee side by responding to the said authority and clarifying their stand and requirement. The representative of Applicant as well as the Officers of Licensee fairly conceded to this aspect and they are at liberty to go for it.

8. In result at this stage we find as Application for seeking connection is incomplete there cannot be any relief at this stage from this end. Hence this grievance is to be disposed off.

Hence the order.

**O-R-D-E-R**

- a) Grievance disposed off.
- b) As observed above the Applicant is at liberty to approach the appropriate authority to earmark the area considering the requirements of the Licensee and the Officers of Licensee to respond to the said appropriate authority placing before it their requirement.

Date : 05/06/2013

**I Agree**

**I Agree**

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

**(Chandrashekar U. Patil)**  
**Member Secretary**  
**CGRF Kalyan**

**(Sadashiv S. Deshmukh)**  
**Chairperson**  
**CGRF Kalyan**

(This order is dictated and declared on 05/06/2013 in presence of both sides and it is signed today after transcribing.)

**Note:-**

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”.*