



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

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Date of Grievance : 19/05/2012  
Date of Order : 26/07/2012  
Period taken : 67 days

**IN THE MATTER OF GRIEVANCE NO. K/N/094/712 OF 2012-2013 OF**  
**SHRI NIRAJ RAJENDRA PRATAP SINGH, NALASOPARA (EAST)**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT NEW CONNECTION .**

Shri Niraj Rajendra Pratap Singh  
Shop No. 01, Hiravati Apartment,  
Rajpoot Dairy, Shiv Shakti Nagar,  
Shivaji Chowk, Nagindas Pada,  
Nalasopara (East), Dist : Thane – 401 209

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Nalasopara (East) Sub-Division

(Here-in-after  
referred  
as licensee)

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 registered grievance with the Forum on 19/05/2012 for New Connection.

The details are as follows :

Name of the consumer :- Shri Niraj Rajendra Pratap Singh

Address: - As given in the title

Consumer No : -

Reason of dispute : New Connection

3) The set of papers containing above grievance were sent by Forum vide letter No EE/CGRF/Kalyan/0389 dated 19/05/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. Nil, dated 11/06/2012 through Nodal Officer Vasai Circle.

4) We the Members of the Forum heard Shri Ramchanda Pandye representative of consumer, Shri Pathak, Dy. Executive Engineer, Shri Mohanan R Sub-Engineer for the Licensee in the meeting hall of the Forum’s office. This matter we heard at time with persuasion to the officers of Licensee and accordingly their contentions are considered here under.

- 5) This consumer has applied on 01/10/2010 for new connection sought 26 meters for a building which he has developed. He paid processing fees on 12/10/2010, however submitted A-1 forms on 30/08/2011. It is said that survey is done within seven days, however, further compliance is not done hence he approached IGRC on 24/10/2011.

Prior to his approaching to IGRC developments occurred and the electric meter which was existing in the building towards construction purpose is alleged to have been used for residential flats built up by him wherein new meters were sought. Towards it action commenced by issuing bills on 30/09/2011, he paid Rs. 72,000/- on 04/10/2011. However, said action is taken under Section 126 of Electricity Act 2003 showing additional units i.e. 8108 were consumed and to that effect on 12/09/2011 action was done, bill was issued for Rs. 01,27,787/- . Accordingly when matter is dealt by IGRC on 13/04/2012 it concluded that grievance is hit under Section 126 of Electricity Act 2003 hence no jurisdiction. However, clarified that if payment due in action under Section 126 of Electricity Act 2003 is completed then new connection can be given. Towards it consumer again approached assessing authority seeking final order under Section 126 of Electricity Act 2003 but opted for depositing the bill amount to the extent of Rs. 79,600/- on 17/04/2012. This bill is corrected and burden is reduced by the Licensee and brought it to Rs. 79,600/-. No doubt consumer deposited the said amount under protest.

Accordingly it is a fact that though consumer applied for connection on 01/10/2010, he submitted A-1 forms on 30/08/2011, however he was dealt under Section 126 of Electricity Act 2003 and payment is complied by

him on 17/04/2012 though said to be under protest and grievance is made before IGRC and even before this Forum.

After decision of IGRC on 13/04/2012 as noted above, he made payment of dues worked out under Section 126 of Electricity Act 2003 on 17/04/2012 and approached this Forum on 19/05/2012.

Admittedly in reply dt. 11/06/2012 on behalf of Licensee it is contended that action under Section 126 of Electricity Act 2003 is taken which is not within the jurisdiction of this Forum, in other reply it is submitted that there is no any delay.

One more aspect disclosed from the contention placed on record by consumer in writing in the written arguments dt. 14/03/2012 filed before the Dy. Ex. Engr. Nalasopara Sub-Division are as under :

**“The Vasai Virar Municipal Corporation did demolition of said building in last month of February 2011 after that four month work was stop due to funds. Builder had been completed building up to 2<sup>nd</sup> floor in August 2011 and 3<sup>rd</sup> floor completed in December 2011 & 4<sup>th</sup> floor is also remaining for construction till to day.”**

During the course of hearing this Forum tried to find out the progress and it was even brought to our notice that on behalf of Licensee it was made known that Licensee communicated to the consumer about the non feasibility, said communication is of 3<sup>rd</sup> Dec. 2011 addressed to the Nodal Officer IGRC. Said report is dt. 20/10/2011 and communication of it is given to the consumer vide letter dt. 19/12/2011 received by consumer on 20/12/2011. The representative of consumer tried to point out that aspect of non feasibility worked out is not correct and connection can be given

from existing transformer and it is the look out of Licensee which is not acting promptly though capacity of transformer is already enhanced to 315 KVA. Accordingly he claimed that from existing transformer connection can be given. He further contended that no any Firm Quotation is given to him towards new connection i.e. S.D. etc. However, when officers of Licensee were asked to clarify the position on 16/07/12, Shri Pathak Dy. Ex. Engr. Nalasopara Sub/Dn. clarified that today itself i.e. on 16/07/2012 Firm Quotation is given and representative of consumer submitted he has received it and he is in the process of depositing.

In view of the above two things are now canvassed on behalf of consumer towards grievance. (1) Connection not given in time, (2) Uncalled illegal action under Section 126. As noted above IGRC expressed view towards 126 observing it has no jurisdiction.

Now from the record itself it is clear that present consumer after partial completion of his building provided possession to some of the consumers on 1<sup>st</sup> Sept. 2011 and as per his claim he was compelled to give connection from construction meter to those persons. It is stated in consumer's letter dated 21/12/2011 addressed to Dy. Executive Engineer MSEDCL:, Nalasopara (East) Sub-Division as under :

**“I was compelled to give connection from construction meter to purchasers also MSEDCL is liable for said because he did not released new connections of above reference. I provided possession to purchasers on 01 Sept. 2011 in compelled and ready for pay higher rate energy bills as per tariff construction rate hence use is residential. Therefore I am suffering financially, mentally and physically due to illegal activities of MSEDCL .”**

However, he contended as Licensee not released new connection this contingency has arisen and he was compelled. The question now comes up whether this Forum can dwell upon this aspect which Licensee branded it as action under Section 126 of Electricity Act. We find from the peculiar stand taken by consumer it will not be just and proper or legal to enter into that area and action of 126 as position clarified by the consumer himself. We cannot enter in it.

It is now noted that there was an action under Section 126 and consumer paid the amount on 17/04/2012 though it is under protest, it is an action under 126 in progress till that date, accordingly said action was in progress till 17/04/2012. Said payment is after the order of IGRC dt. 13/04/2012.

When aforesaid action was in progress till 17/04/2012 question comes up what is its implementation there after. We find all aspects as agitated by the consumer are not available for our comment due to intervening instances such as action under Section 126, building itself was demolished in Feb. 2011, till Aug. 2011 hardly upto second floor construction was completed, in Dec. 3<sup>rd</sup> floor was completed and as on 14/03/12, 4<sup>th</sup> floor was yet to be built up. It seems to be contention of consumer that on every floor there are five flats assigning No. 1 to 5, 101 to 105, 201 to 205, 301 to 305 and 401 to 405, accordingly completion of building itself was speaking about the position.

No doubt survey is done, feasibility report is submitted but atleast from 17/04/2012 attempts of Licensee are to be appreciated. As the officer of Licensee Shri Pathak made it clear that Firm Quotation towards S.D. etc.

is given, then it shows that there is no hurdle now for giving new connection. However, he expressed the difficulty contending that meters are not available in stock, there is a waiting list of 15 to 20 thousand new customers and as per the new directives of Licensee there is no provision for allowing the consumer to have his own meter at his own cost of approved companies. Hence he claimed that he is not able to give any commitment of providing meters and connecting supply. He submitted when meters are available to him, immediately he will be giving supply that too, if payment is done as per the firm quotation already provided and other conditions are fulfilled. Accordingly we find at this stage it is not necessary even to enter into the said aspect of non feasibility, time has cured the things as the time itself has shown the blocks in the fate of consumer.

Accordingly while considering any compensation towards breach of (SOP) Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005, we find person who approaches for redressal of grievance is not supposed to commit any breach. Under such circumstances we find no any compensation can be given from 17/04/12 towards not providing F.Q. to the consumer towards S.D. etc. as the grievance itself clouded by action under Section 126 & demolition of building. The grievance before us is based on the original claim. It can be said grievance has become infructious due to action under Section 126 though complied on 17/04/2012 which is after IGRC order.

As clarified above officer of Licensee Shri Pathak, Dy. Executive Engineer, we find grievance of consumer at this stage is being redressed, he is already provided with Firm Quotation for S.D. and within one month from the said payment and compliance of others. Licensee is to provide the supply failing which Licensee will invite the liability to pay as per Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005, As per the present position this Forum is not able to express any view on the problem of meter – shortage of meter – change in the system of meter etc. which are to be dealt by the Licensee appropriately. Hence now consumer is to get the relief from Licensee within one month, from the compliance of F.Q. towards S.D. and compliance of required papers for connection.

Hence we pass the following order :

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

- 1) The consumer's grievance application found infructious as action under Section 126 of Electricity Act was in progress. It is shown as complied on 17/04/2012 which consumer claimed it as a payment under protest. But action was under Section 126 as noted above was existing. Now as aspect of Section 126 is complied on 17/04/2012 by making payment, consumer is entitled to the relief on compliance of payment required as per the Firm Quotation issued and compliance of other documents. Then only Licensee is required to give necessary connection within prescribed time as per



Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.

- 2) Compliance be reported.
- 3) The Consumer if not satisfied, can file representation against this decision with the Hon. Electricity 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”.*

- 4) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission 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” at the following address:-

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

Date : 26/07/2012

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan