



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

IN THE MATTER OF GRIEVANCE NO. K/N/095/713 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/0392 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 heard Mr. Pandye nominee of applicant (herein after said applicant is referred as consumer) on behalf of Licensee initially attended by Nodal Officer Shri Purohit, Shri Fulpagare, Dy. Ex. Engr. and subsequently attended by Shri Pathak, Dy. Ex. Engr. and Shri Mohanan R. Sub-Engineer.

This matter was required to be heard at times as facts were not totally clear. On the basis of facts stated & placed on record, following factual aspects are disclosed.

- a) The consumer claims to be a builder / developer entered into an agreement on 28/01/2010 .

- b) Consumer has built up Om Saikuteer Apartment at C.T.Survey No. 3 and 4, Hissa No. 1/1, 2/4 near Gayatri .Mandir, Nalasopara (East).
- c) This consumer applied for 30 connections on 20/03/2010. He paid processing fees of Rs. 750/- on 05/05/2010 at the rate of Rs. 25/- per connection.
- d) Out of the portion built up, he handed over possession of 15 flats in August 2011 and stated that he was forced to give electricity supply to those 15 persons from the construction meter.
- e) Said consumer submitted all required documents on 29/08/2011. Survey is conducted on 16/10/2011 and communication of non feasibility conveyed on 19/12/2011. It is stated that there is over load on the Transformer.
- f) Just prior to it consumer has applied IGRC on 21/10/2011 wherein reply was given by concerned officer on 13/12/2011 and as noted above a report of non feasibility submitted on 19/12/2011. In reply dt. 13/12/2011 it was communicated by concerned Dy. Ex. Engr. that consumer is in arrears of Rs. 01,47,040/- and connection is to be disconnected, even there is a reference the matter taken up under Section 126 of Electricity Act. It is further seen that said electricity supply was disconnected on 23/12/2011 and at that time the consumer had given possession to additional six flats. Said disconnection further resulted in permanent disconnection on 16/05/2012 and towards reconnection consumer deposited Rs. 25/- on 14/06/2012.
- g) IGRC passed order on 13/04/2012 observing that matter is hit under Section 126 of Electricity Act and there is no jurisdiction. Against said order consumer approached this Forum on 15/05/2012, filed application for Interim Relief on 25/05/2012. On behalf of Licensee reply submitted on

11/06/2012 to which consumer filed rejoinder on the very day and even additional written submissions are given on 13/06/2012.

h) It is seen that construction meter is standing in the name of Shri Dinesh Joshi and bill for the month of January 2012 to the extent of one lakh was issued. It is paid on 04/02/2012. Provisional bill issued in March 2012 for Rs. 01,05,550/-, it is also paid of on 14/06/2012. Towards it demand draft dt. 19/05/2012 for Rs. 70,000/- was submitted and an amount of Rs. 35,550/- was deposited in cash. Accordingly said provisional bill which was last in time is paid of . These bills sounded to be the bills under Section 126 of Electricity Act.

i) As matter was totally in progress under Section 126 and consumer admittedly stated that he has handed over possession of 15 flats in August 2011 and given supply in those flats from construction meter., further added that even when there was a disconnection on 23/12/2011 as on that date supply was given to additional six flats, possession of which was given just prior to it. Accordingly the aforesaid two bills of Rs. One lakh and Rs. 01,05,550/- were towards the said unauthorized use of electricity from construction meter to the residential flats.

With the help of aforesaid factual aspects the contention raised by consumer is clear, he claims that his application was of 26/03/2010, towards it survey was not done in time, even it was not done when processing fees was paid and all documents were submitted, accordingly this breach is pointed out. Further he tried to contend that from time to time though he was perusing the matter, electric connection not given and thereby compelled to give possession of premises to the purchasers of flats and required to give electric supply from construction meter. Accordingly for the act of giving

electric supply from construction meter these causes / excuses are given and it is contended on behalf of consumer that for this purpose Licensee is responsible.

On the other hand on behalf of Licensee it is submitted it is a illegal act on the part of consumer owner Shri Dinesh Joshi, it attracted action under Section 126 of Electricity Act and hence till that action is completed, no any connection can be given in that property or in that premises.

Aforesaid factual aspects are crystal clear. Mr. Joshi in whose name the existing connection is there, is not coming before this Forum, probably it is the contention of present consumer that he is a builder had an agreement and thereby seeking a relief. May it be so, question is whether there was any act attracting action under Section 126 ? No doubt when on behalf of Licensee it is said that action is there, bills are issued, provisional bill is issued, amount is paid and when consumer himself claims that he was compelled to give electric supply to the flat owners from construction meter, then we find action under Section 126 has it's own implication and as per Regulation. We are not able to comment on it's legality or it's validity. Reading the contention of consumer and the reply by the licensee, we have seen the aspect of Section 126 invoked in by the officers of Licensee and on it's basis IGRC rejected the application.

If once Section 126 is invoked in the matter, then we are not able to say that we have a jurisdiction to continue with the matter. The payment towards those bills complied on 14/06/2012. Admittedly the grievance before IGRC, before this Forum and the grievance as stated when it was lodged becomes infructious for giving any relief till 14/06/2012. We are clear in our mind that though initial application was of 26/03/2010 approaching IGRC on

21/10/2011, IGRC passed order on 13/04/12 and consumer approached this Forum on 19/05/2012, the action under Section 126 or the actual act of consumer bringing him under Section 126 was in progress and hence we are not able to find any fault in the order of IGRC wherein bar of jurisdiction is stated.

In spite of aforesaid bar, we tried to redress the grievance seeking details from both sides from time to time and now it is clear that on 16/07/2012 Mr. Pathak, Dy. Ex. Engr. of the said area conveyed that Firm Quotation is given and representative of consumer admitted said Firm Quotation received and further claimed that he is in the process of payment of Security Deposit. In this regard Mr. Pathak, Dy. Ex. Engr. contended that as Firm Quotation is given, if the requirements there to are fulfilled, connection can be given and accordingly we find at this stage it is not necessary to enter into the hurdles upto that stage. However, Mr. Pathak, Dy. Ex. Engr. claims that as on this date there is a waiting list of electric meters of 15 to 20 thousand numbers and supply of present consumer will be considered serially as per the existing waiting list. He further added while replying on the contention of consumer that though consumer is ready to purchase his own meters at his own cost, said system is discontinued by Licensee and new meters are being introduced, supply of which is limited at this stage. Hence he contended that he is not able to make submission of time frame during which the supply can be given. However, he assured, as far as possible with aforesaid constraints attempts are being done to give supply.

We have already pointed out that due to the progress of matter being dealt under Section 126 of Electricity Act or its application on that count of demand of consumer very well can be said that this grievance itself has

become infructious and bars our jurisdiction till 14/06/2012, the date when total payment towards Section 126 is done. However, keeping in mind the spirit of establishing of CGRF, we find it is just necessary to take note of the factual aspect that on 16/07/2012 Firm Quotation is given, consumer is in the process of making payment and officer of Licensee expressing his constraints and made it clear that as soon as the other compliances are done including payment of Security Deposit, supply can be given but he reiterated the aspect of meters which are not available.

We at this stage make it clear that aspect of change of in the system of meters or arrangement of meters is a aspect within the powers of Licensee and totally it is the look out of Licensee on which we cannot comment. However, if all things are complied, then supply is required to be given as per SOP within the prescribed time and hence said aspect is not available for showing any excuses in result said relief is available to the consumer which Licensee is required to be comply as per SOP.

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. However, as aspect of Section 126 is complied on 14/06/2012 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 etc.. 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, otherwise it follows the consequences of compensation as stated therein.

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, 003, 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