



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/0038/382 OF 2010-2011 OF
M/S. OM SAI DEVELOPERS, NALLASOPARA, REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT NEW CONNECTION.**

M/s. OM Sai Developers
Plot No. A-11, Gangotri Pariwar Co.Op.Hsg.
Soc. Sanyukta Nagar, Alakapuri Road
Nallasopara (East), Dist : Thane

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Ex. Engr. MSEDCL
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 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 complaint was regarding non releasing connection to Sai Darshan Apartment, Nalasopara. The complainant registered grievance with the Forum on 07/06/2010 regarding New Connection. The details are as follows :
Name of the complainant : M/s. OM Sai Developers
Address: - As above
Old Consumer No : New connection
Reason for Dispute : - Regarding non release of new connections.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/220 dt. 07.06.10 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer MSEDCL Vasai Circle filed reply vide letter No. IGRC/VC/CGRF-37/0218/2010-11/4514 dt. 25.06.2010.
- 4) The original hearing was fixed on 28/06/2010 @ 16.00 hrs. but the same was postponed on 30/06/2010 @ 16.00 hrs. The Members of the forum heard both the parties at length on 30/06/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Ramesh Pandye, consumer and Shri Girish Maganbhai Patel, Shri Salimbhai representatives of the consumer & Shri Surendra Purohit, Nodal Officer, representative 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) Complainant by application dt. 09/06/09 requested the Jr. Engineer Nallasopara to supply electricity to the premises situated in Nallasopara, Tal : Vasai. According to complainant in response to the above application Jr. Engineer gave him Firm Quotation of electric work to be

carried out on 15/06/09 and accordingly he deposited charges with the licensee on 19/06/09. It is contended on 30/06/09 complainant approached the Dy.Ex.Engr. Nallasopara who in turn, by letter dt. 02/07/09 demanded meters from the Ex. Engr. Virar. It is contended on 07/07/09 Ex. Engr. directed the Dy. Ex. Engr. to supply meters to complainant and accordingly Dy. Ex. Engr. Nallasopara gave the meter to the office at Vijay Nagar. It is contended on enquiry complainant was told that for want of capacity of Transformer meters cannot be installed. It is seriously alleged by the complainant that meters supplied as above in his name, officials of the licensee used the same in another premises playing fraud upon him. It is alleged that though transformer had no capacity, officials of the licensee illegally gave connections to the flat holders in Jivdani Chhaya Apartment on 20/02/2010, depriving the consumers from their right to get meters and electric connection under the provisions of the Electricity Act 2003 and Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. Aggrieved with this, complainant approached the IGR Cell Vasai but in vain, therefore he lodged this grievance with prayer to direct the licensee to supply him electricity as per rules and for committing breach of the provisions of the Act and the Regulations, officials concerned be saddled with compensation/penalty.

- 6) Licensee opposed the allegations as above by filing say dated 25/06/10. Licensee denied that their officials played fraud upon the complainant by using meters in another premises. It is contended that Firm Quotations (F.Q.) were given subject to commissioning of 22/0.45 KV Distribution Transformer Centre (DTC) as per the policy of MSEDCL vide bond

executed by the party concerned. It is contended as per the bond complainant agreed of commissioning of DTC under Non DDF Scheme, however, he did not act accordingly for which the licensee is not at fault. It is contended, had complainant not given consent as per bond to erect and commission of DTC, licensee would have release the connections after erecting required DTC showing under Infrastructure Scheme 2010-2011. If complainant withdraw their consent in writing given vide bond referred to above, required DTC will be included in the upcoming infrastructure Scheme 2010-11. According to licensee for releasing connections DTC is required and as complainant given consent for Non DDF Scheme by which they have to erect and commission the DTC will get refund in the bill. It is contended by the licensee that 22/0.45 KV Dist. Sub-Station in terms of MSEDCL, DTC is required to release the connections for which as per Regulation and the SOP time limit is one year and knowing this well complainant in contravention to the undertaking given vide bond trying to mislead the Forum and on this count complainant have not at all genuine grievance and this Forum has no jurisdiction to entertain such complaint which does not fall under the category of "Grievance". Consequently licensee prayed to reject the grievance as not maintainable with cost.

- 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 erred in not giving electric supply to the complainant ?	NO
b)What Order ?	As per Order below

Reasons

- 8) Admittedly complainant and others applied for electric connection to their premises situated in Nallasopara. As per Section 43 of the Electricity Act 2003 Distribution Licensee shall give supply of electricity to such premises on an application by the owner/occupier of any premises within the specific period. At the same time Clause 12 of the Regulation 2005 referred to above casts liability on the person who seeks electric supply, to maintain the average power factor of his load at levels prescribed by the Electricity Rules and the Regulations.
- 9) According to complainant in response to their application and the firm quotation, Superintending Engineer Vasai Circle accorded sanction to supply them electricity as per the terms and conditions imposed by bond. Licensee placed on record undertaking and indemnity bond admittedly given by the complainant, since not disputed clearly mentions they undertook to carry out the augmentation work (i.e. 200 KV to 315 KV) at the location as per the specification of MSEDCL and further it mentions they shall not claim any refund of the expenditure done by them as per estimated work under Non DDF. Learned representative of the licensee at this juncture pointed out that for releasing the connections DTC is required and as applicant has given consent for Non DDF Scheme, they have to erect and commission the DTC. He urged with force that had complainant not given undertaking to commission a DTC under Non DDF Scheme, they would have included the work in the upcoming infrastructure Scheme 2010-2011. On going through the undertaking and the bond which have gone unchallenged squarely point out the work of commissioning DTC was to be done by the complainant under Non DDF Scheme. Sanction letter dt. 01/06/09 issued by Superintending

Engineer Vasai Circle refer the present complainant of which much capital is made by the complainant alongwith F. Q.. it's outgoing para states "As per request of consumer he is being permitted to execute the work as mentioned above..... arrangement for supervision above works be made by the Executive Engineer.....payment as per undertaking should be obtained from consumer....." This clearly shows complainant undertook of commissioning of DTC. In this context complainant and the persons named in the application are silent which speaks volume. Complainant insisting all the while for getting supply within the specific period as mentioned in the Act and the Regulation, however conveniently and intentionally depicts his inaction and recalcitrant attitude towards the officials of the licensee and on this background question of directing officials of the licensee to pay compensation does not stand to reason.

- 10) Learned representative of the licensee inviting our attention to their detail reply dt. 25/06/2010 submitted that F.Qs. were paid subject to commissioning of 22/0.45 KV Dist. Sub-Station in terms of MSEDCL. DTC is required for giving connection to the complainant and this work is to be carried out by the complainant as per the sanction and the bond referred to supra. If complainant and the concerned fail to discharge their liability certainly they have no locus to cry on this. In this event equity also does not help to such persons in as much as one who seeks equity must do equity. Without performing the duty casted on the complainant as per the bond he cannot make hue and cry simply pointing provisions on time limit on the part of licensee. It is to be noted that provision as regards time limit is stringently applicable to the licensee when duty cast on them to commission the work. In the case in hand,

complainant undertook responsibility of commissioning the work under Non DDF Scheme and not licensee has to commence the work.

- 11) According to licensee if the complainant is not ready to erect/ commission the DTC, withdrawing the consent given earlier required DTC will be included in the Infrastructure Scheme 2010-2011 however complainant is silent on this point. He cannot say hot and cold at one time. Under this circumstance hardly licensee can be blamed for non supply of electricity.
- 12) Complainant alleged that Executive Engineer accorded sanction for supply of meter on 07/07/2009 and that as per the same letter Dy. Ex. Engr. and he himself going to Parol Godown brought meters and given to the office of Vijay Nagar as per Gate Pass however, Jr. Engineer used the said meters in other premises stating transformer does not have capacity and thereby played fraud upon him. It is to be noted that Superintending Engineer vide order dt. 01/06/09 directed the complainant to execute the work as per undertaking and to the satisfaction of the officials of the MSEDCL question of supplying them meters immediately without commissioning the work does not appeal to our conscious.
- 13) By letter dt. 01/04/10 Dy. Ex. Engr. apprised the consumer that for want of transformer capacity electric connections cannot be given. This indicates commissioning of DTC is required. It is not that licensee kept silent on the application of supply of electricity. Under the circumstance complainant can be directed to commission the work as agreed and thereafter licensee is bound to supply electricity within time limit. In view of this we find no force in the submission of learned representative for consumer that licensee seriously erred in not giving supply. As such

Grievance No. K/N/038/382 of 2010-2011
grievance application does not carry substance and the same deserves
to be dismissed by giving directions to both the complainant and the
licensee. Points are answered accordingly and hence the order :

ORDER

- 1) Grievance application stands dismissed.
- 2) Complainant is directed to carry out estimated work as per the undertaking given to the licensee and thereafter licensee to supply electricity within time limit prescribed under Electricity Act and the Regulations.
- 3) The Consumer can file representation against this decision with Hon. Electricity 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.

Date : 06/08/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan