



**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 : 12/06/2012  
Date of Order : 22/10/2012  
Period taken : 130 days

**IN THE MATTER OF GRIEVANCE NO. K/N/098/733 OF 2012-2013 OF**  
**M/S. TIWARI ENTERPRISES, MANDA, TITWALA REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT NEW CONNECTION .**

M/s. Tiwari Enterprises  
Gokul Apartment, S. No. 8,  
H. No. 9/2, 9/3, 9/4  
Vasundri Road, Manda, Titwala

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Assistant Engineer  
Construction Sub-Division Kalyan

(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 has registered grievance with the Forum on 12/06/2012 for New Connection.  
The details are as follows :  
Name of the consumer :- M/s. Tiwari Enterprises  
Address: - As given in the title  
Consumer No : -  
Reason of dispute : New Connection
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0473 dated 12/06/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. SE/KC-II/Tech/3045, dated 03/07/2012 through Nodal Officer Kalyan Circle – II.
- 4) This matter was taken up and heard on 03/07/2012 and 11/07/2012. As it could not be concluded early we thought it better to hear the matter a fresh and accordingly we heard both sides on 04/10/2012. During the said hearing Nodal Officer Shri Giradkar, Assistant Engineer Shri Patil and consumer in person appeared and made submissions. On the basis of submissions of both sides following aspects are disclosed.

- 5) a) Grievance Application to this Forum submitted on 12/06/2012.
- b) Grievance is pertaining to the application filed with Licensee for new meter connection dt. 21/04/2010 which is submitted on 27/04/2010.
- c) As there was no any compliance and no progress about the demand inspite of his visits as contended by consumer. Consumer addressed a letter to the Executive Engineer on 01/02/2011 conveying that there is no progress pertaining to his connection.
- d) On 27/04/2011 consumer submitted second set of the papers with enclosures which were submitted initially for connection as it was told that those were not forth coming.
- e) On 16/05/2011 Officer of Licensee written a letter which consumer received on 23/05/2011 whereby compliance was sought about building completion / construction permission, partnership deed, power of attorney agreement, land development agreement, 7/12 abstract, blue print of map of building, details of construction meter at site and it's latest bills, consent letter of suitable scheme if applicable.
- All these compliances are done as contended by consumer. Consent letter for suitable scheme is submitted on 03/06/2011. All these compliances are available in the record of Licensee which we have verified from their file.
- f) On 31/05/2011 consumer filed application under RTI Act to Licensee. On behalf of Licensee reply is given to the said RTI application vide letter dt. 22/06/2011 which consumer received on 11/04/2012 & further consumer has replied that letter on 13/04/2012.

- g) Letter by Executive Engineer to Legal Advisor dt. 09/06/2011 whereby opinion was sought as to whether it is legally proper to sanction and release connections to the consumer unless construction permission is renewed or not.
- h) Then consumer approached IGRC vide his application submitted on 12/04/2012
- i) IGRC not decided the matter till consumer approached Forum with this grievance on 12/06/2012.
- j) Consumer submitted that when matter was pending before IGRC concerned Ex. Engr. had filed an application with the Kalyan-Dombivali Municipal Corporation seeking the details whether building construction permission is renewed or not. But he is not aware what happened to it. Licensee Representative admitted that such letter dt. 31/05/2012 was submitted & in the said letter it was clarified by the Licensee to Corporation that reply be given within seven days, otherwise it will be treated that building is legal. In spite of period of seven days over, there was no reply in time and even for further one month there was no reply from KDMC. The exercise of seeking details from KDMC was resorted to as there was a letter addressed to the consumer dt. 09/03/2011 by KDMC, copy of which is supplied to the consumer, in reply to RTI application and hence legal advice was sought, further clarification was sought from KDMC.
- k) This grievance application is replied by Nodal Officer vide his letter dt. 03/07/2012 enclosing therein the set alongwith the letter of Ex. Engr. dt.

03/07/2012 on this aspect. Towards said reply of Licensee consumer again filed his own clarification on 11/07/2012. Before this Forum consumer has filed documents showing permission granted by KDMC for construction.

- l) Consumer claims that vide letter Dt. 03/06/2011, as claimed by Licensee he has given consent for DDF, however he submitted, during hearing only before Forum it is referred but in fact he was not aware of exactly what is DDF but letter was prepared on which he has signed, he carried an impression that simply wire is to be provided by him.
- m) Consumer submitted that application of consumer for supply is of 21/04/2010, period of more than one year is elapsed hence within one year connection ought to have been given from their own infrastructure and the DDF letter has no reliance for it. Consumer claims that order be passed for installing meters which are overdue.
- n) On behalf of Licensee Shri G.M. Patil, Asstt. Engr. submitted that in writing option of DDF is given which is in Hindi and hence consumer cannot deny, it is to be read as it is. He submitted option once exercised cannot be withdrawn. He further submits that as per option of DDF sanction is given vide letter dt. 02/07/2012 in the category of DDF and Licensee is ready to abide by it, if all requirements as per rules complied. He further submits that as per MERC Supply Code supply is to be given within a one year, provided all papers are complete but in respect of present consumer papers were not complete.
- o) On behalf of Licensee it is submitted that total compliance said to be done on 03/06/2011 as DDF letter was given on that date, however it is

- to be read after a period of seven days completed from the letter of Licensee to Corporation dt. 31/05/2012 i.e. effective date will be 08/06/2012. Mr. Patil further submits that consumer in reply to RTI letter dt. 31/05/2011 addressed by Licensee has replied on 13/04/2012 in the last line sought new meters as per demand dt. 27/04/2011. Engineer claims that this set of 27/04/2011 is to be treated as a base.
- p) Consumer made a reference to the submissions made by Nodal Officer in a previous case of said submission dt. 11/06/2007 and therein referred to the MERC order dt. 08/09/2006, however we find in it MERC case No. not written. We could not trace it.
- 6) From the aforesaid aspects it is clear that consumer has approached Licensee for supply filing application on 27/04/2010. However, for a year nothing was done and it was told to the consumer that papers are not forthcoming hence fresh set of documents are presented on 27/04/2011. In respect of this flaw there is no any material forthcoming from Licensee side or any acknowledgement taken from Licensee by the consumer. However, consumer conceded to the plea of the Officer of Licensee and submitted papers on 27/04/2011 and seeking relief basing on this part. Further on 16/05/2011 compliance of some documents was sought by Licensee, however, those documents are very well available in the record of Licensee except the letter towards consent of suitable scheme. However, it is seen said letter of consent is submitted on 03/06/2011 and DDF Scheme is obtained, said letter is in Hindi signed by consumer.

This is one of the aspect of dispute, consumer claims that he was not aware of the nature of DDF and he simply signed presuming DDF means providing just wires etc. However, it is a stand of Licensee that once consumer at his own submitted option of DDF he cannot withdraw it and on it's basis Licensee acted and sanctioned the supply under DDF Scheme on 02/07/2012.

Secondly, it is contended that as there was a aspect of legality of construction and Licensee learnt that from the consumer some details are sought by the Authorities of Municipal Corporation towards a renewal of permission granted for construction, they sought whether construction is legal or otherwise or valid permission of Corporation is there. Municipal Corporation was asked to give reply within seven days otherwise matter will be treated as if there is no any such blocking of permission. Accordingly it is contended that after the said letter No. 31/05/2012 there was no any reply hence sanction is granted on 02/07/2012. In short, Licensee contended that documents were yet to be completed by consumer, DDF letter was given on 03/06/2011 and as Licensee was to confirm the legality of construction, letter was given to the Corporation on 31/05/2012. Letter dated 31/05/2012 is in the file of Licensee. As there was no reply appropriately sanction is given on 02/07/2012 and no any fault can be found or any abnormality can be attributed to the Licensee. Licensee is ready to provide connection as per sanction order in the category of DDF if consumer complying the requirements as per rules. No doubt consumer maintained his stand about ignorance of DDF letter but it is seen that it is written in Hindi,

signed by the consumer and hence it needs to be read in the appropriate spirit. No doubt consumer claimed that it is brought on record at a subsequent stage, but still question remains that said letter is given and it is acted upon by the Licensee. We find it not possible to deny the effectiveness of this letter dt. 03/06/2011 consumer has his own contention about said letter obtained by the then officer working. But we find as document is in the file, it is not possible to ignore it. If this fact could have been appropriately considered by the consumer, the result would have been different. Accordingly we find this document cannot be ignored and if any sanction is granted relying on it, it cannot be doubted. Secondly, we find Licensee is required to take care whether the premises wherein connection is sought is being legally built up or not. No doubt said legality cannot be dealt with fishing enquiry but it is required to ensure that atleast care is taken to ascertain the legality. No doubt at no point of time construction permission granted is cancelled or revoked by the Corporation but letters of Corporation seeking clarification and stopping construction activity are self speaking Accordingly it is seen from record that consumer was asked by the Corporation Authority to explain about it and in this light the Licensee if enquired the legality of construction, no any aspect of illegality can be attributed. No doubt Officers of Licensee tried to take even the legal advice. Accordingly we find the aspect, as developed in a peculiar manner and providing connection is delayed but said delay is for want of confirmation from Corporation and the choice of consumer for DDF. If letter of DDF is considered, compliance ought to have been done upto



- 03/06/2012 and as Licensee was to get the clarification from Corporation by writing a letter on 31/05/2012 and as there was no reply sanction is given on 02/07/2012. We find there is no any such delay which can be said to be inordinate and hence we find sanction order is already given, option of Scheme exercised by consumer, taken care of and hence we find at this stage grievance of consumer is being redressed by Licensee hence no any further direction required in this grievance application. Accordingly this grievance application is to be disposed of.
- 7) This matter could not be decided within prescribed time as it was requiring hearing a fresh in the light of some factual aspects which were not consistently made available. Even matter was required to be heard a fresh considering the constraint of this Forum to dispose of the matters for want of required assistance and help which was created due to the retirement of staff member. Hence we pass the following order :

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

- 1) The present grievance of consumer is hereby disposed of as already sanction is given by the Licensee for giving meters and those are to be connected after consumer complying the requirements as per sanction letter dated 02/07/2012.
- 2) Licensee to submit compliance about the connection given within 15 days from the date of connection given.

- 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 : 22/10/2012

I Agree

I Agree

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

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan