



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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**IN THE MATTER OF GRIEVANCE NO. K/N/0039/405 OF 2010-2011 OF
M/S. RAEES CONSTRUCTION, NALLASOPARA, REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT NEW CONNECTION.**

M/s. Raees Construction
At S. No. 106, H. No. 1 to 9
Ansari Nagar, Virar Road
Nalasopara (East), Tal : Vasai, Dist : Thane

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Ex. Engr. MSEDCL
Nalasopara (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 M/s. Raees Construction, Nalasopara. The complainant registered grievance with the Forum on 29/07/2010 regarding New Connection. The details are as follows :

Name of the complainant : M/s. Raees Construction

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/335, dt. 29.07.10 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer MSEDCL Vasai Circle filed reply vide letter No. IGRC/VC/CGRF-405/2010-11/6793, dt. 20.08.2010.

- 4) The original hearing was fixed on 23/08/2010 @ 15.00 hrs. but the same was postponed on 25/08/2010 @ 15.00 hrs. The Members of the forum heard both the parties at length on 25/08/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Ravi Anand, Shri S. S. Mirje, Mrs. Pranali Kasale, representatives of the consumer & Shri Nitin Pevekar Dy. Ex. Engr. 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 is a company engaged in the business of construction under the name and style of M/s. Raees Construction situated at S. No. 106, Hissa No. 1 to 9, Ansari Nagar, Virar Road, Nalasopara (East), Tal : Vasai. The complainant had applied for 47 Nos. of new electricity connections on 22/01/2010 and had paid Rs. 1175/- as processing fees on 27/01/2010 vide receipt No. 0523333.
 - a) Though as per MERC (SOP Regulations 4.3 and 4.4) it is mandatory for the licensee to visit the site and carry out a survey within 7/10 days and provide an estimate to the complainant within 15 to 20 days after receipt of the application, licensee had not taken any action till 03/04/2010.
 - b) The complainant had approached IGRC who in turn passed the order stating that complainant had not shown the site to the licensee which is not acceptable to the complainant.
 - c) The complainant further states that only extension or augmentation is required and licensee can easily provide connections within three months as per 1 (iii) Appendix 'A' of SOP.
- 6) Not satisfied with the order of IGRC and due to above reasons complainant has approached the Forum for Redressal and prayed that
 - a) MSEDCL be directed to furnish estimate immediately and connections there after.
 - b) Grant compensation for delay in giving estimate as per Annexure 1 of SOP Regulations.
 - c) Any other order in favour as the Forum may deem fit.
- 7) Notice was issued to the licensee to appear and accordingly filed their say as under :
 - a) The proposal was received by Sub-Division Office, after receiving it was forwarded to Section Office for feasibility and survey.

- b) Neither the complainant nor his authorized representative had shown the specific location where power supply is required. Accordingly complainant was informed about the status and requested to show the site on 05/06/2010.
- c) Survey was carried out along with the applicant's representative as per the directions of IGRC. According to the report erection of new DTC or new Sub Centre is required. Licensee further states that the matter regarding erection of new DTC will be conveyed to the complainant after duly sanctioned. Time period as per (SOP) Regulation 4.6 is not yet over.
- d) The licensee therefore requested the Forum to reject the claim made by the complainant.
- 8) We have gone through the record placed before us and heard in length the arguments made by both the parties. In order to decide the grievance we have visited the site in question on 19/10/2010 and prepared notes to that effect marked 'A'. As per the notes we found 2 Nos. of 315 KVA Dedicated Distribution Facility Scheme transformers (DDF) from which no new connection can be released. Therefore it is apparent in order to release new connection additional DTC at the site is necessary to be commissioned. Since there is no transformer in the vicinity of proposed buildings 100 KVA transformer is essential to cater the proposed load and we have also observed that :
 - a) The complainant's applications for 47 Nos. of new single phase connection are still pending though the requisite amount is paid by the complainant.
 - b) Licensee showed inability to release the connections for want of new transformer at the site.

- c) The record also reveals that the licensee has not carried out the survey of the site as per the norms of 4 (4.3) of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. The reason given by the licensee that the site was not shown to them by the complainant and they were unaware of the exact location is not at all convincing.
- d) We have also observed that the survey was carried out by the concerned officials of the licensee on 27/07/2010 i.e. after the order of IGRC, A-1 forms are not yet submitted by the complainant to the licensee therefore we have no occasion to peruse the same. It is the submission of the learned representative for the licensee that there are two Nos. of 315 KVA capacity transformers commissioned under DDF Scheme. To release connection on these DTC it is very much essential to obtain No Objection Certificate (N.O.C.) from DTC owner. Hence additional 100 KVA DTC is proposed vide reference No. DYEE/NSP/E/T/1624, dt. 07/08/2010 by the licensee. On visiting the site personally and noticing the situation, position we are of the firm opinion that new connections cannot be released on the existing transformer and consequently we find force in the submission of licensee.
- e) It is to be noted that as per the provisions of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 licensee failed to comply and delayed the action for which compensation is necessary to be saddled with licensee. It is seen from the record complainant made application for new connection on 22/01/2010 however survey is carried out on 27/07/2010 i.e. delay of 26

weeks. As per Appendix 'A' of the said Regulation compensation Rs. 100/- is to be awarded for delay of one week. Here delay of 26 weeks is occurred therefore (26 X Rs. 100 = Rs. 2600) and as such licensee is liable to pay compensation to the complainant Rs. 2600/- consequently grievance application will have to be partly allowed.

- 9) Licensee has submitted incomplete documents at the time of hearing therefore Forum issued a letter to the licensee to furnish details as mentioned above. Alongwith the say licensee filed documents on 05/10/2010. The Forum found some discrepancies in the documents produced therefore visited the site on 19/10/2010 and hence delay is caused to decide the case.
- 10) On going through the record and noticing the capacity of the transformer we unanimously pass the following order :

ORDER

- 1) Grievance application is partly allowed.
- 2) Licensee is directed to commission a new 100 KVA Distribution Transformer Centre within one year from the date of completion of applications in all respects and release the connections as per the provisions of Clause 4 sub-clause 4.6 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.
- 3) Licensee is further directed to pay compensation of Rs. 2600/- (Rs. Two Thousand Six Hundred only) to the complainant within 30 days from the date of receipt of this decision as directed in para No. 8 (e) referred to above, as per Appendix 'A' – 1 (i) of Maharashtra Electricity Regulatory

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

- 4) Compliance as regards payment of compensation should be reported within 60 days from the date of receipt of this decision.
- 5) The Consumer 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”.

- 6) 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 : 23/11/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan