



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/0042/408 OF 2010-2011 OF
M/S. SAI SHRADDHA CONSTRUCTION, NALLASOPARA, REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT NEW CONNECTION.**

M/s. Sai Shraddha Construction
Builders & Developers,
204 Laxmi Apartment, Achole 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. Sai Sharaddha 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. Sai Sharaddha 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/344, 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-408/2010-11/6796, dt. 20.08.2010.
- 4) The Chairperson and Member Secretary of the forum heard both the parties at length on 24/08/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Ravi Anand, Shri S. S. Mirje, Shri Ashok Kumar Tiwari, Shri R. Jaiswal, representatives of the consumer & Shri S. R. Purohit, Nodal Officer and Shri Nitin Pevekar Dy. Ex. Engr. representatives 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) The complainant is a developer of M/s. Sai Shraddha Co. situated at S. No. 204, Laxmi Apartment, Achole Road, Nalasopara (East) Tal : Vasai. He applied for 56 Nos. of new connections and paid processing fees of Rs. 1,400/- vide receipt No. 0523100 on 16/11/2009 for a residential complex.

- 6) The complainant has further stated that it is mandatory on the part of the licensee to carry out the survey within seven days and give estimate within 15 to 20 days as per S.O.P. Regulation 4.3 and 4.4, but till today the licensee neither carry out survey nor issued demand note. The complainant therefore approached IGR Cell. However IGR Cell on 23/06/2010 concluded that as the applicant has not shown the site for survey hence without clear identification of the site, it is not possible to prepare estimate and to intimate the required amount to be paid by the applicant as per Regulation No. 4.3 of MERC (SOP) Regulation. The applicant is requested to show the site for necessary survey. Aggrieved by this order the complainant approached the Forum and prayed as under :
- a) Licensee be directed to furnish estimate immediately and connections thereafter.
 - 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) In response to the notice of the Forum licensee appeared on 24/08/2010 and stated that :
- a) Nalasopara East is a vast developing area. There are many illegal constructions without approved plan from CIDCO. Therefore joint survey is required for fixing the point of supply.
 - b) Moreover the complainant has not shown the premises where the connections are required.
 - c) We have forwarded the proposal to the Section office but without the specific details of the premises DTC technical feasibility report was not prepared and F.Q. was not issued.

- 8) The licensee requested the Forum to direct the complainant to show the location to the officials of the licensee which will help them to release the connections immediately. However, no requisite documents by the licensee were submitted therefore Forum by letter No. 471, dt. 04/10/2010 asked the licensee to furnish certain documents which will help the Forum to arrive at the proper conclusion. The licensee submitted the documents and furnish information on 05/10/2010 as directed by the Forum. After going through the documents and the information provided by the licensee Forum found some discrepancies. The Forum therefore visited the site alongwith the officials of the licensee and the complainant on 19/10/2010 and prepared notes marked 'A' and observed that at the peak hours the transformer was overloaded therefore hardly any connection can be released from this transformer. In view of this we find no force in the submission of the learned representative for the consumer that connections were not released intentionally.
- a) The licensee has informed the complainant to show the site vide letter dt. 02/06/2010 and dt. 19/07/2010. Moreover, the complainant has not submitted A-1 forms for 56 Nos. of new connections, it has become difficult to the licensee to decide the capacity of new proposed transformer.
- 9) We also feel that it is the duty of the licensee to inform the complainant about the joint survey within seven days as per the norms of MERC (Standard Of Performance) 2005. It appears from the record placed before us that licensee has informed about the survey by their letters 02/06/2010 and dt. 19/07/2010 i.e. after a long period of seven months. So there is a delay of approx. 27 weeks therefore complainant is entitle

for the compensation @ of Rs. 100/- per week (27 X 100 = 2700) as per Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 therein Clause 4 (4.3) "The Distribution Licensee shall complete the inspection of the premises related to an application for supply of electricity not later than seven days from the date of submission of such application for supply in towns and cities and within ten days from the date of submission of such application for supply in rural areas, regardless of whether such application is seemed to be complete under Regulation 4.2"

- 10) Taking into consideration all the above facts we feel it proper to direct the complainant to submit A-1 forms and show the site to the licensee and Licensee is directed to release the supply.
- 11) 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 placed before us therefore visited the site on 19/10/2010 and hence delay is caused to decide the case.
- 12) On going through the record and noticing the capacity of the transformer the grievance application will have to be partly allowed and hence we unanimously pass the following order :

ORDER

- 1) Grievance application is partly allowed.
- 2) Complainant is directed to furnish A-1 forms and show the site to the licensee.

- 3) Licensee is directed to release the connections after completion of all the requisite formalities as laid down by Hon. MERC.
- 4) Licensee is directed to pay compensation of Rs. 2700/- (Rs. Two Thousand Seven Hundred only) to the complainant within 30 days from the date of receipt of this decision as directed in para No 09 referred 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 .
- 5) Compliance should be reported within 60 days from the date of receipt of this decision
- 6) 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”.
- 7) 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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan