

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **38** of 2006

Applicant : 1)Shri Sachin Shankarji Lanjewar,
Shivnagar, Tumasar, Taluka Tumsar,
Dist. - Bhandara-441 912.

-- VS --

Non-applicant : 1.Executive Engineer/Nodal Officer, I.G.R.C.,
Circle Office, M.S.E.D.C.L., **Bhandara.**
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L.,Bhandrara.

Presence: 1.Shri N. J. Ramteke, Chairman
2.Shri M.G.Deodhar, Member.
3. S. J. Bhargava, Member/Secy.

Appearance. : 1.Shri Sachin Shankarji Lanjewar, Applicant.

1.Shri P.T. Reshme, Executive Engineer,
2.Shri V.P. Yaul E.E./N.O.
Non-Applicants.

ORDER

(Passed this 20th day of January,2007)
(Per Shri N.J.Ramteke, CHAIRMAN)

This is an application in form Schedule 'A' of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter called the Regulations). The Applicant wants new electricity service connection for his shop no. 8 in the shopping complex of Nagar-Parishad Employees Co-op. Society at Vinoba Bhave Nagar, Tumsar. Applicant also wants the compensation of Rs.1,00,000/- for business loss caused to him due to non-Applicants. The Applicant also enclosed with the application various documents as mentioned in his statement (record page no. 6).

The facts in brief in this case are that Applicant is an occupier / tenant of shop no. 8 in the shopping complex of Nagar-Parishad Employees Co-op. Society situated at Vinobha Bhave Nagar, Bhandara Road, Tumsar. He runs a General Stores business since 2005. He submitted an Applicant to the non-Applicants in form A-1 for new electricity service connection. He also obtained No Objection Certificates from the Municipal Council, Tumsar, the Nagar-Parishad Employees Co-Op. Society (for short, the Society) Nazul authority. There was

also an agreement between the Applicant and the Society (record page 13/14) in respect of the lease of the tenement no. 8 .

On receipt of application in form schedule "A" the Forum gave acknowledgement, called the comments of the non-applicants, on receipt of the comments from the non-Applicant, a copy of the same was provided to Applicant alongwith the notice for hearing. The Forum issued the notice to both the parties for hearing. The non-applicant submitted their parawise comments to the Forum on 06.01.2007. The Forum heard both the parties on 18/1/2007.

The main contention of the Applicant is that he is a tenant of Society. He submitted an application in form "A" to the non-Applicant on 02.06.2006 but no action has been taken by them to supply new electricity connection. On the other hand some officer of the Distribution Licensee (MSEDCL) were harassing him without taking action on his application. He further contended that Shri Gadpayale, Jr. Engineer of the Distribution Licensee gave the endorsement on his application that for bulk consumption of the electricity for this complex, a new transformer is to be installed therefore, applications from other 17th tenants holder to come for new electricity connection. This is not correct as he is occupier / tenant and, therefore, entitled for the new service connection in terms of the Electricity Act, 2003 and Regulations framed there under. He wants compensation of Rs.60,000/- against the losses of his business and Rs.40,000/- for mental agony which is given to him by the Officers of the Distribution Licensee.

At the time of hearing, Applicant also made submissions in writing (record pages 78 / 80). He mostly reiterated grounds as mentioned in his written statement (record page 2 to 6). However, he contended that the Society is trying for obtaining electricity supply for the complex since last 2 years and the Society is ready to bear expenses for the new transformer and despite giving affidavit to the non-Applicants, the Distribution Licensee has not taken any steps for providing new electricity connection.

The main contention of the non-Applicants is that the present case cannot be considered by this Forum as the Applicant has not availed of the opportunity by making a application to the IGRC.

The non-Applicants further contended that the present Applicant is one of the shop owners having shop no. 8 of the Society out of the 17 shops and one office of the Society. The Society is also planning for further extension of shops and one multi-purpose hall. The Distribution Licensee is entitled to recover the expenses as laid down under Regulation 3.3.2 of

the, Supply Code Regulations, 2005 as independent transformer for providing dedicated distribution facility is required. The non-Applicant have under-taken to expedite the process to provide the electricity supply to the Applicant on compliance by the Society as required under relevant Regulations. The Society has applied for electricity supply by following the prescribed procedure. The Society is not the complainant. The non-Applicant have pointed out to Applicant in respect of electricity supply that it needs to install one transformer and the necessary steps were already taken through the Society. This has been admitted by the Applicant. Since the Society has already made an application in the prescribed form and manner, the matter is under process and, therefore, present grievance application needs to be rejected.

On perusal of the record and hearing both the parties, the Forum come to the conclusion and decides unanimously as under.

The non-Applicants have taken the Preliminary objection that the Applicant has not availed of the opportunity by going to the IGRC and therefore the decision of the Forum on the preliminary objection first without going into the merits of the complaint. It is be made clear about this preliminary objection that as per Regulation 6.6 of the said Regulations, the Forum is authorized to entertain this grievance application within two years from the date of which cause of action has arisen. In the instance case the cause of action has arisen on 02.06.2006 as Applicant submitted his application in form A-1 to non-Applicants and it was pending before the non-Applicants. Thus the preliminary objection on this point does not survive and, therefore, ruled out.

It is a matter of fact that the applicant has made an application on 02.06.2006 (Record page No. 19) to the non-Applicants for new electricity connection but at the some time it is pertinent to note that the non-Applicants have made there position clear and in particular endorsement dated 18.09.2006 on the application dated 11.09.2006 of the Applicant that for connection to the complex the new transformer is required.

It has been clearly laid down under Regulation 3.3.3 that for provision of supply to an Applicant entails works of installation of dedicated distribution facilities, the Distribution Licensee is authorized to recover expenses reasonably incurred on such work from Applicant, based on the schedule of charges approved by the Commission under Regulation 18. Regulation 2.1(g) provides for the definition of the term “dedicated Distribution facilities” means such facilities, not including a service line forming part of distribution system of the Distribution Licensee which are clearly and solely dedicated to the supply of electricity to a single consumer or a group of consumers on the same premises or contiguous premises. In the instant case, there

are 17 shops and therefore dedicated distribution facilities are required for supply to the group consumers. Shri Reshme, Executive Engineer has rightly pointed out at the time of hearing that the Society has already made an application in form A-1 on 09.12.2006. The Society has also submitted an affidavit dated 24.11.2006 about bearing the charges of transformer, etc. The Assistant Engineer has submitted the estimate to the Executive Engineer on 27.12.2006. The Society has paid Rs.50/- on 14.12.2006 for registration and processing charges as per estimate cost of transformer and other details of the expenses are given in this estimate which is Rs.3,14,568/-. This is clear from the documents as supplied by Shri Reshme at the time of hearing (Record page No. 63 to 70). The Applicant cannot press for supply of electricity to his single shop as the Society is owner of the complex and it has already made an application for the same with affidavit and commitment for bearing expenses in this regard.

The Applicant is banking upon the ground that the Society had already made an application in 2004 but this application was for the office and the store room. The Society has giving No Objection Certificate to the Applicant for obtaining the new electricity connection. But this N.O.C. cannot be considered as dedicated Distribution facilities are required as laid down under Regulation 3.3.2 and 3.3.3 of the Regulations. The non-Applicants are justified in there stand about obtaining the application and affidavit from the Society for providing dedicated distribution facilities.

Shri Reshme, Executive Engineer also submitted before the Forum at the time of hearing that on obtaining the sanction of estimate from the Competent Authority, the demand note will be issued to the Society and on payment of the charges as per sanctioned estimate, the work will be executed within one month, necessary permission from the Electrical Inspector will also be obtained and on receipt of permission from Electrical Inspector, the supply will be provided to the Society. It means matter is under active consideration of the non-Applicants to provide electric supply to the Society. On commissioned of the transformer and supply of electricity to the Society, the Applicant may make a fresh application in the prescribed forms and the manner to the non-Applicants. The details procedure has been laid down under Regulation 4 and 5 of the Supply Code Regulations for supply and processing of application. Thus, the application of the Applicant must be duly completed as required under the Regulations. The non-Applicants are directed to consider and take necessary action on the application of the Applicant on receipt of the application for supply of new electricity connection within one month from the receipt of duly completed application. As per the compensation of Rs.1,00,000/- as claimed by the Applicant, no justification is found on record. No purposeful delay is found on the part of the non-Applicants as the Society has to make an application for supply of electricity. As

This is to certify that this is the true and correct copy of the above order.

Member-Secy./ Exe.Engineer,
C.G.R.F.(NZ-R) MSEDCL
N A G P U R

Copy to :

1. Shri Sachin Shankarji Lanjewar, Shivnagar, Tumsar, Tq. Tumsar, Dist. Bhandara-441 912.
2. The Chief Engineer, Nagpur Zone (Rural) MSEDCL, Vidyut Bhavan, Katol Road, Nagpur.
3. The Nodal Officer/E.E.(Admn),Circle Office, MSEDCL, Bhandara.
4. The E.E., C.C.O&M Dn., MSEDCL, Bhandara for information and necessary action.

Address of - Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,
Bandra-Kurla complex,
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)
022 - 26590339 (Office)

