

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/332/2014

Applicant : Shri Sandipan A. Samant,
Balaji Complex, H. No. 298,
Sudam Road,
Nagpur : 02.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 12.2.2015.

1. The applicant filed present grievance application before this Forum on 18.12.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. Applicant's case in brief is that he applied for new service connection to SNDL, but new service connection is refused on the ground of non sanction of building plan. There is registered sale deed in favour of the applicant and on that basis applicant demanded the connection. I.G.R.C.

rejected the grievance application as per order dated 26.4.2014 and being aggrieved by the said order applicant approached to this Forum.

3. Non applicant denied applicant's case by filing reply Dt. 3.12.2014. It is submitted that applicant applied for new service connection but as there was no sanctioned plan, applicant was intimated to produce the sanctioned plan as per regulation 4.1 (VII) read with regulation 5.8. Present building is constructed ground + 4 floors. Shop of the applicant is situated on the third floor. Nagpur Improvement Trust has sanctioned only ground + 2 floors and therefore shop of the applicant is illegally constructed. Learned I.G.R.C. rejected the application as per order dated 26.4.2014. Grievance application deserves to be dismissed.

4. Forum heard argument of non applicant and perused record.

5. Record shows that N.I.T. has given sanction in Balaji Complex – II for ground + 2 floors only and the applicant is occupying the block on the third floor, which is not approved in the sanctioned plan by N.I.T. and therefore application of the applicant is rejected on the ground that there is no sanction of N.I.T. on record, for these two floors, which are unauthorised. Manager – NSC of SNDL, insisted to the applicant for submission of sanctioned map of third and fourth floor by N.I.T. where applicant's shop is situated, appears to be quite justified in terms of the provisions of regulation 4.1 (VII) read with regulation 5.8 of MERC (Electricity Supply Code and other Conditions Of Supply) Regulations 2005, according to which applicant seeking to get the new connection shall submit all requisite documents, consents, permissions as may be required under any law for the time being in force. In this case, it is undisputed fact that though the deed of declaration makes a mention of shops to be constructed on third & fourth floor of the said building, legal sanction of N.I.T. – Planning authority in

terms of third and fourth floor is not on record which is mandatory as per laws applicable for according the sanction to construct the building. There is no other reason for not sanctioning new electricity connection in this matter. It is true that applicant possess registered sale deed and there is no problem about technical feasibility for giving electric supply otherwise.

6. However, the premises is situated in crowded locality of Itwari, near Itwari City Post, Bhaji Mandi, Itwari Nagpur, where there are small lanes instead of roads, all the buildings are very much closer to each other. It is completely a commercial area having always crowd of the people. In such circumstances, providing illegal connection to non sanctioned building by NIT may occur unpleasant incidence of accident, thereby becoming safety of the public in large, in danger. When no sanction was accorded by NIT to third & fourth floor, it means FSI was not available and ground can not bear weight of third & fourth floor. In such circumstances, such illegal construction may collapse at any moment, thereby causing unpleasant incidence due to sparking of wires of electricity.

7. It is pertinent to note that 21 Nos. of new electrical connections are already released by Manager – NSC on the ground + two floors of the Balaji Complex – II for which NIT's sanction for their construction is on record.

8. Therefore considering safety of the people at large and even safety of the applicant, new connection can not be released in unauthorisedly constructed shop having no sanction by NIT and no map. It is also suspicious as to how concerned Sub-Registrar permitted to register sale deed of such type of illegal construction having no sanctioned plan of N.I.T.

9. We have carefully perused order passed by I.G.R.C. It is perfectly legal and valid and therefore needs no interference.

10. Applicant is at liberty to produce map and sanctioned plan of N.I.T. and on production of those documents, SNDL shall release new service connection. Hence following order :-

ORDER

- 1) Grievance application is dismissed.
- 2) However, applicant is at liberty to produce sanctioned map and approval of N.I.T. for construction of his shop and if these documents are provided, SNDL shall release new connection on completion of requisite formalities.

Sd/
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/
(Adv. Subhash Jichkar)
MEMBER

Sd/
(Shivajirao S. Patil),
CHAIRMAN