

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur.**

Case No. CGRF (NUZ)/008/2005

- Applicant** : Shri Madan Marotrao Butale
R/o. CS-6, Impression Plaza,
Congressnagar, T-Point,
Nagpur.
- Non-Applicant** : Executive Engineer,
Congress nagar, Division,
(NUZ), MSEB., Nagpur.
- Quorum Present** : 1) Shri S.D. Jahagirdar, IAS (Retd)
Chairman,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member, Consumer Grievance
Redressal Forum,
Nagpur Urban Zone, Nagpur.

ORDER (Passed on 29.03.2005)

The present application in the prescribed Schedule "A" is filed before this Forum by the applicant on 28.02.2005 as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 hereinafter referred-to-as the said Regulations.

The Grievance of the applicant is about the non-provision of new electricity connection by the non-applicant for his commercial shop in Impression Plaza building.

The matter was heard by us on 19.03.2005 when both the parties were present. Both of them were heard by us.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation Number 6.7 & 6.8 of the said Regulations. The non-applicant, accordingly, submitted to this Forum his parawise remarks on 19.03.2005 i.e. on the date of hearing. A copy of this parawise report was given to the applicant on 19.03.2005 before the case was taken up for hearing and opportunity was given to him to offer his say on this parawise report also.

The applicant has contended that he applied to the non-applicant on 12.10.2004 for installation of a new commercial phase electricity connection at his shop number CS-6 at Impression Plaza building in Congressnagar, Nagpur. However, the non-applicant has not installed the commercial phase meter at the applicant's shop till date. Since no remedy was provided by the non-applicant, the applicant approached the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm) in the Office of the Chief Engineer, NUZ, Nagpur as per Regulation No. 6.3 of

the said Regulations by filing his complaint before this Unit on 15.12.2004. This Unit also did not provide any remedy to the applicant and, hence, he filed the present grievance application before this Forum on 28.02.2005. He further stated that he has already paid an amount of Rs. 24,000/- to the builder M/s. Nagarwala Constructions, Nagpur on 10.07.2003 towards the applicant's proportionate share for erection of electrical transformer and electrical meter etc. Despite this position, the non-applicant did not release commercial phase connection to the applicant's shop. He has further stated that he has also paid an amount of Rs. 6201/- on 28.11.2003 as per the non-applicant's demand note dated 26.08.2003 towards the detailed cost of service connection. He has produced a copy of the quotation and a copy of receipt dated 28.11.2003 in support of this contention. The demand note dated 26.08.2003 was issued to the applicant by the Assistant Engineer concerned on 26.08.2003. He has further stated that the NOC and possession letter from the builder M/s. Nagarwala Constructions were also given earlier to the non-applicant but still his grievance has not been sorted out. He requested that the non-applicant should be directed to immediately release electricity connection and install the commercial phase meter at his commercial shop number CS-6 at Impression plaza building.

The applicant has further contended that his request for installation of the new non-domestic connection at his commercial shop cannot be withheld on the ground of

non-action by the builder namely M/s. Nagarwala Constructions in respect of erecting and commissioning the Transformer etc. According him, the non-applicant is duty-bound to provide the electricity connection applied for by the applicant. He also pointed out to us that he had filed a Police complaint against the builder in Dhantoli Police Station on 12.02.2004. A copy of the report is also produced by him.

The non-applicant has stated before us that the applicant applied for a new non-domestic connection on 12.10.2004 and this connection was sought by him in his commercial shop in the building named as Impression Plaza at Congressnagar. This building is a scheme of Nagarwala Constructions. This builder had asked for as many as 41 number of connections + 2 common meter connections in this building including the connection asked for by the applicant. A detailed projected load of electricity for the building was calculated as per standered norms and it came to be 178 KW. It is his say that since it was not possible to cater for the above load from the existing distribution net work, a new distribution net work was proposed for the building by making a provision for a 315 KVA Transformer alongwith HT /LT lines / cable. The total cost of erection of this Transformer etc. was estimated to be Rs. 7,07,400/-. The estimate was proposed under Outright Contribution Scheme under 15% supervision charges implying that the work of erection of the Transformer, lines /cable etc. will be carried out by the builder under supervision by the MSEB and that 15%

supervision charges will be paid by him to the MSEB. The estimate was sanctioned by the Chief Engineer NUZ on 31.03.2003. A demand note of Rs.85,649/- towards 15% supervision charges was issued to the builder and accordingly, he paid the amount on 28.05.2003. The non-applicant has produced a copy this sanctioned estimate and of document of payment by the builder which are among the case papers. As the builder had shown willingness to do work and had also paid 15% supervision charges, a demand note for eleven number of connections including the applicant's connection was considered by the non-applicant from the existing net work for the occupants of the building. The connections were to be given only after receipt of NOC and possession letter from the builder. Accordingly, six connections out of 11 were released. Three occupants out of remaining 5 had paid the amounts but were not connected and the remaining 2 occupants including the present applicant did not pay the proportionate share and hence they were not connected. It is the contention of the non-applicant that the work of erection of Transformer has not been taken up by the builder ever after lapse of two years and his intentions seem to be doubtful. As such, no further regular and permanent connection has been issued after initial consideration of six number of connections. The non-applicant expressed apprehension that if he gives new connections in that building one by one, it would add more load on the existing net work and may adversely affect the supply position of all the nearby consumers by way low

voltage / interruption etc. Commenting upon the say of the applicant that he has already paid his proportionate share of Rs. 24,000/- to the builder for erection of Transformer and meters for the Impression Plaza building, the non-applicant stated that the terms of agreement between applicant and the builder are not known to him. He added that if the builder carries out the work as per the sanctioned estimate and gets approval there-to from the Electrical Inspector regarding charging of Transformer, all the connections including the connection of the applicant in the building can be released.

The applicant while commenting upon the parawise report submitted by the non-applicant stated that since his request for connection was earlier considered from the existing net work by the non-applicant on the basis of the earstwhile NOC and possession letter from the builder issued on 12.09.2000 under the signature of the builder, the non-applicant can not now withhold his connection. He made it clear that he has already paid his proportionate share of charges for the erection of a new Transformer etc for the building to the builder and has also paid the demand note of Rs. 6201/- dated 26.08.2003 to the non-applicant and hence he is entitled to get the connection from the non-applicant.

We have carefully gone through the entire record of the case, all the documents produced by both the parties and also the submissions made before us by them.

The main issue to be decided in respect of the grievance in question is whether the non-applicant is duty bound to provide a new non-domestic connection to the applicant as requested for by him looking to the circumstances of the case. The building Impression Plaza at Congressnager Nagpur is a scheme of Nagarwala Constructions. There must be an agreement between the builder and the would-be-occupants in respect of all the relevant matters including the installation of electrical connections to be provided by the builder. It is the builder who has taken up the responsibility of providing the required infrastructure including that of an electrical Transformer. Accordingly, the builder recovers the cost of the proportionate charges from the would-be-occupants and the necessary infrastructure is created. In the present case what seems to have happened is that the builder has taken up the responsibility of erecting a new Transformer and of allied works for the sanction of which he approached the non-applicant. As stated by the non-applicant, estimate for this Transformer was proposed under the Outright Contribution Scheme to be implemental by the builder under the supervision of MSEB. This clearly demonstrates that the builder is squarely responsible for erecting the Transformer under the non-applicant's supervision. It is also clear from record that the builder paid 15% supervision charges to the MSEB on the total cost of estimate of Rs. 7,07,400/-. However it seems that the builder has not taken up the work of erecting a new Transformer even after lapse of two years'

period. As stated by the non-applicant, the builder had earlier shown his willingness to do this work and had also paid 15% supervision charges. The non-applicant considered initially 11 number of connections from the existing net work including the connection meant for the applicant. The non-applicant has invited our attention to No Objection Certificate issued under the signature of the builder in which it is has been stated by the builder that the NOC is subject to recovery from the occupants of all the necessary charges meant for electrical works to be carried out by the builder. He further stated that he cannot be held responsible on account of any non-action on the part of the builder. We are inclined to accept the contention of the non-applicant to the effect that if he starts giving new connection in the building in question, one by one, without creation of adequate and appropriate electrical infrastructure, his action may adversely effect the electricity supply position of all the nearby consumers by way of low voltage / interruption. It is also clear that the builder has not yet erected the electrical Transformer although he initially agreed to set up the same. The reasons for this non-action on the part of the builder are not known to us neither do we have any lawful jurisdiction to go into this non-action aspect on the part of the builder. Since the needed electrical infrastructure in the shape of a new 315 KVA Transformer alongwith allied HT/LT lines / cable is not yet provided by the builder though promised by him, the non-applicant cannot be held responsible for not providing the connection asked for by the applicant. It is pertinent to

note that the applicant has clearly mentioned in his police complaint dated 12-02-2004 that the builder has not provided electricity meter despite his paying to him an amount of Rs. 24,000/-. This shows that the applicant has held the builder responsible for non-provision of electricity connection to him. The applicant may, if he chooses to do so, approach the appropriate District Consumer Forum or may resort to any other legal remedy for getting an appropriate direction for the builder to erect the Transformer etc. so as to enable the non-applicant to fulfill his obligation in a legal manner. The non-applicant's contentions are convincing and they deserve to be accepted. The non-applicant, infact, has given a promise that he will release all the connections in the building in question immediately after erection and commissioning of the said Transformer by the builder.

In the light of above, we are unable to give any relief to the applicant in view of the circumstances mentioned above. The applicant's grievance is, therefore, disposed of accordingly.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**