

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

Case No. CGRF(NUZ)/070/2009

- Applicant : M/s. Sanstones
At Tikekar Road,
Dhantoli,
Nagpur.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
O & M Division No. I, NUZ,
Nagpur.
- Quorum Present : 1) Smt. Meera Khadakkar
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.F. Lanjewar
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 20.02.2010)

The present grievance application has been filed on dated
21.12.2009 under Regulation 6.4 of the Maharashtra Electricity

Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The applicant is a SSI unit at village Uti Tahsil Umrer Dist. Nagpur. The consumer had applied for shifting of connection, he wants connection from industrial feeder. The consumer had approached the IGRC. However, no relief is provided to the consumer.

It is a consumers grievance that in-spite of assurance by the non-applicant to give power supply from industrial feeder. He is not given power supply after the industrial feeder is Commissioned near his unit. The consumer is entitled to get power supply from said industrial feeder. He has requested for direction to the non-applicant for giving power supply to industrial feeder.

The non-applicant has filed his reply on 06.01.2010. The grievance is opposed on the ground that the complainant is a LT consumer and no promise was given to him for shifting power supply as alleged by him. The non-applicant has further stated that the industrial sub-station at Pachgaon is erected only to give supply to HT consumers. The complainant being LT consumer power supply from industrial feeder cannot be given to him. In case power supply is give from the industrial feeder other consumers will also ask for shifting of the power supply and the transformer will be over loaded. The non-applicant has expressed his inability to give power supply as requested by the consumer.

The consumer can be give supply from industrial feeder in case he opts for HT connection. The non-applicant has prayed for rejection of the applicant's application.

Heard both the parties, it is an admitted fact that the complainant is having SSI unit. He is LTIP consumer and his now applied for shifting of power supply from Rural feeder to industrial feeder.

The non-applicant has admitted that an industrial feeder is erected after the power supply was given to the complainant. It is non-applicant's contention that power supply from industrial feeder cannot be given because the complainant is not HT consumer, the non-applicant has also assigned few other reasons for his inability to give power supply.

The learned Member-Secretary on this Forum has express his view that the complainant's prayer cannot be considered because the industrial feeder is erected only for HT consumers. He has also stated that there is possibility that demand of power supply will increased by other LT consumers. In majority of this Forum there is no bar for giving supply to LTIP consumer for industrial feeder. The complainant's contention is based on settled position on law on this point.

The complainant is having SSI unit and the policy of the non-applicant should not be contrary to the interest of small scale industries.

The learned consumer representative relied upon the order of Hon. Ombudsman passed in case of M/s. Mohan Trading Company

Deoli, Wardha. It is observed by the Hon. Ombudsman that the consumer should not be denied electric supply on assumptions.

The licensee is duty bound to give power supply within the frame work of Electricity Act, 2003.

We have carefully gone through the order relied upon by the consumer. In the said case the applicant is a unit having LT electricity supply and had applied for supply from MIDC feeder. He was prepared to pay for the cost such extension of the feeder the consumer was denied power supply. It is observed by the Hon. Ombudsman that in view of the provision of Electricity Act the applicant is entitled to get electric supply from MIDC feeder as he is prepared to pay the cost of such extension feeder. The facts of above case are similar of the present grievance. The observation in present case.

It is rightly submitted by the learned consumer representative that in view of the provision of Section 43 of the Electricity Act, the non-applicant cannot deny shifting of power supply, the Hon. Ombudsman has considered the request of LT consumer for power supply from MIDC feeder which is also HT feeder. Similar the provision of Section 43 of the Electricity Act 2003 are also clear are reads as under.

“It shall be the duty of every distribution licensee to provide, if required electric plant or electric line for giving electric supply to the premises specified in sub-section (I).

Provided that no person shall be entitled to demand, or to continue to receive from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the

licensee to pay to him such price determined by the Appropriate Commission.”

In short it is duty of the licensee to provide the power supply as per request of the consumer when he is ready to pay the price as determined by the appropriate Commission.

In present case the consumer has not express his willingness to pay the cost of extension of feeder.

We are of the opinion that the non-applicant cannot deny shifting of the power supply as prayer by the applicant. In case he is ready to pay for the cost as per MERC Regulations 2005.

The majority view of the Forum is that the applicant entitle to get power supply from industrial feeder, only in case he is prepared to pay cost of existing feeder as observed by the Hon. Ombudsman for the order referred above.

After considering the arguments of both the parties and documents on record, the grievance application is partly allowed.

The non-applicant is directed to provide the power supply to the applicant from industrial feeder at Pachgaon and communicate his willingness to pay the cost of extension of feeder and payment of said charges. In accordance with the MERC Regulation 2005.

Both the parties to report compliance to this Forum on or before 15.04.2010.

(S.F.Lanjewar) **(Smt.Gauri Chandrayan)** **(Smt. Khadakkar)**
Member-Secretary MEMBER CHAIRMAN
CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.