

Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IInd flr. Pune-11

Case No. 13/2013

Date:-30/11/13

In the matter of

Shri.Balasaheb Genaba Kingre,
B-1/6, Sundarnagari, Kothrud,
Pune-411038.

- Complainant

V/S

The Executive Engineer,
M.S.E.D.C.L.,Padmavati Division,
Pune-37.

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

1. Shri.Balasaheb Genaba Kingre and Mrs.Shashikala Balasaheb Kingare filed the complaint in 'A' form, being dissatisfied by the order of Internal Grievance Redressal Forum. The IGRC decided the complaint and held that there is no specific house number and there is no documentary evidence regarding the proof of residence. The IGRC also held that consumer failed to produce on record documents as per the guidelines of Maharashtra Electricity Regulatory Commission in pursuance of " The Electricity Act" 2003. It is further held that as per Rent control Act 1999 the lease deed is required to be compulsory registered. The complaint came to be dismissed.
2. The consumer complaint in brief may be stated as under – The consumer Mr.& Mrs.Kingre own property at S.No.8/3, Ambegaon. An application was made to M.S.E.D.C.L.for connection for electricity supply for ten

rooms demanding ten connections to the tenants. Application was for ten single phase connection in the name of tenants. Mr.& Mrs.Kingre submitted consent letter dated 18.10.12 for giving connection in the name of (i) Sneha Kingre ,(ii) Sangram Kingre, (iii)Vijay Sopan Salunkhe, (iv) Datta Nivrutti Gaikwad and (v) Ajit Kolhatkar.

3. Mr.& Mrs. Kingre issued consent letter dated 18.10.12 for giving connection to (i) Ganesh Vadkar (ii)Vishal Dhamunsane, (iii) Sajan Dhamunsane, (iv) Ganesh Dhamunsane & (v) Pradeep Vashivale. These consent letters are solemnly affirmed by Kingre, specifically stating that the electricity supply will be exclusively for the purpose for which supply is taken for tenants. It is specifically stated that electricity will not be given to third person unauthorizedly. The specific undertaking is given stating that Mr.& Mrs. Kingre will be liable for any punishment in case there was any misuse of the supply of electricity.
4. Mr. & Mrs.Kingre filed on record the affidavit cum bond stating that all documents regarding tax and completion certificate will be issued within six months. They submitted that they will be liable for prosecution under Indian Penal Code in case false information is submitted.
5. The consumer Mr.& Mrs. Kingre filed on record tax receipts issued by Pune Municipal Corporation, rent receipts of ten tenants etc. The prayer is made for a supply of electricity connection to the tenants.
6. M.S.E.D.C.L. filed say stating that consumer applied for ten electricity connection in the name of tenants on 3 Nov.2012 and the said application was rejected on 9th April 2013 due to absence of required all documents. It is submitted in Para I that Kingre applied in Dec.2000 for two electric connections for six rooms in the name of Mrs. Kingre & accordingly connections were given for supply of electricity.
7. It is contended in Para 2 that application for electricity supply was given on 3.11.2012 for ten rented premises & it appeared that the said construction is not legal. It is submitted that only the names of Mr.& Mrs.Kingre are shown & no separate number is given to rooms. It is further stated that as per document Balasaheb is owner of 1.5 Are and

Shashikala is owner of 2 Are. In fact as per sanctioned plan only twelve rooms are allowed but in the inspection done in Sept.2013, there were thirteen rooms. It is alleged that the construction is illegal. There is violation of provision of Rent Act 1999. The rent receipts are also doubtful. It is necessary to file on record map of construction approved by Authority for issuing connection.

8. On the pleadings of parties the point for our determination is whether MSEDCL is guilty for deficiency in service?

Our finding is in the affirmative

REASONS

9. We have carefully perused all the documents produced on record by both sides. Heard both sides. The main issue is whether M.S.E.D.C.L. acted as per the norms laid down by Maharashtra Electricity Regulatory Commission, while deciding the application for electricity supply to ten tenants dated 3.11.12. It is not in dispute that application was made on 3rd Nov.2012 and 3.11.13. the said application was rejected 9th April 2013.
10. As per Maharashtra Electricity Regulatory Commission (Electricity supply code & other condition of supply) Regulation 2005 Reg.4:1.
The applicant shall provide requisite information with documents. The M.S.E.D.C.L. is under a duty as per reg. 4:3 inform the applicant regarding status of the application and release connection on first come first served basis.
11. M.S.E.D.C.L.is under an obligation under Section-43 to supply on request the electricity to owner or occupier. As per Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licenses, period for giving supply and determination of compensation) Regulation 2005 As per Reg. 4.3 M.S.E.D.C.L. is liable to complete inspection of the premises related to an application for supply of electricity not later than seven days from date of submission of application for supply in towns. Admittedly MSEDCL

rejected appreciation filed on 3.11.12 and same was rejected after more than four months. This is deficiency in service. As per Appendix A – level of compensation payable to consumer for failure to meet standard of performance Sr.1 compensation is provided. We quantify the said compensation to the amount of Rs.1500/- (Rs. One thousand five hundred only).

12. The National Electricity Policy recognizes that electricity is an essential requirement for all facets of our life. It has been recognized as a basic human need. Our nation has set itself the target of providing access to all households within a time bound limit. The national policy aims to have access to electricity for all households.
13. The M.S.E.D.C.L. is expected to keep in mind the above policy while considering the application for supply of electricity to consumer. The application appears to have been rejected on the ground that, lease deed is required to be registered as per Maharashtra Rent Control Act 1999 Section.55(1). It is rejected on the ground that construction plan is illegal. On the basis of documents and oral submission made by both sides it appears that there are thirteen rooms and there are already five connections. All the connections are in the name of either Balasaheb or Shashikala. The two connections are given in 2001 and three connections are given in 2008. The letter dated 13.12.12 written by Executive Engineer to Senior Legal Advisor clearly shows that five connections are already given to Kingre family. If the present applications are rejected on the ground that construction is illegal & no house No. is mentioned in the application, it was necessary to consider this position at the time of releasing the connection in 2008 & earlier in 2001.
14. We are of considered view that M.S.E.D.C.L. officials are expected to deal with consumers with “fair play in action”. M.S.E.D.C.L. is under an obligation to consider the documents produced on record & supply the electricity connection, as per the guidelines laid down in Clause No.4 & 5 of Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply) Regulations-2005.

15. In the present case consumer failed to state that there are already five electricity connections at the time of making an application. Secondly Kingre claimed ten connections where as there are only thirteen room and five connections. In case this application is allowed there will be fifteen connections and only thirteen rooms. Mr.& Mrs.Kingre have claimed connections in the name of their family members. Both parties are under an obligation to comply the proper course of action. Considering the total area of premises and already having five connections we hold that giving five more connections would be just & proper.
16. In the result we pass following order :
- (1) M.S.E.D.C.L. is directed to pay compensation to Mr. & Mrs.Kingre to the amount of Rs. 1500/- (Rs.One Thousand five hundred only) for failure to meet standard of performance.
 - (2) M.S.E.D.C.L. shall issue five more connections in addition to existing five connections in the name of tenants as suggested by Mr.& Mrs.Kingre as per Electricity supply code and other condition of supply regulations-2005.
 - (3) No order as to cost.

N.S.Prasad,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 30/11/2013

