



**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No. 09/2018**

**Date of Grievance : 26.02.2018**

**Date of Order : 23.04.2018**

In the matter of delayed supply of electricity.

M/s.Padmavati Developers, ----- **Complainant**  
Plot No.98, S.No.98, S.No. 585,  
Salisbury park, Gultekadi,  
Pune - 411037

**Versus**

The Executive Engineer, ----- **Respondent**  
M.S.E.D.C.L.,  
Padmavati Division,  
Pune. (Herein after referred to as Licensee)

**Quorum**

<b>Chairperson</b>	<b>Mr. B.D.Gaikwad</b>
<b>Member/Secretary</b>	<b>Mrs.B.S.Savant</b>
<b>Member</b>	<b>Mr. Anil Joshi</b>

**Appearance**

<b>For Consumer</b>	<b>Mr.Kishor Dhotre (Representative)</b>
<b>For Respondent</b>	<b>Mr.Rajendra Edke, , Addl. Ex.Engineer, Marketyard Sub/Division Mrs.Mansi Sukhatankar, AEE, Firebrigade S/dn. Mr.Akshay Jagtap, AE, Gultekadi</b>

- 1) The applicant has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF and Electricity Ombudsman) Regulations 2006.
- 2) The consumer grievance is submitted by M/s. Padmavati Developers, Plot No.98, S.No.98, S.No. 585, Salisbury park, Gultekadi, Pune - 411037

It is the case of consumer that on 25.4.2017 he has submitted application for new connection. The existing transformer's capacity was available to cater the load of 66 KW. Therefore, there was no necessity for any work for the supply of the electricity. The Licensee did not accept CRA amount and forced the applicant to provide material in excess of his requirements. The licensee also instructed to carry out maintenance work verbally. It was instructed that after completing the maintenance work, the firm quotation would be issued and thereafter, the electric connection will be provided. The Licensee did not provide electric connection for eleven meters. There was completion and occupation certificate of the building to which supply was given. However the Licensee did not provide electric supply within the prescribed period and caused harassment of the applicant. The electricity bills were charged as per commercial tariff even though there was occupation certificate issued by Competent Authority. The applicant, thereby claimed compensation on account of failure in Standard of Performance (SOP). It is submitted that the compensation amount shall be recovered from the salary of the erring employees and the amount may be given to the applicant. The necessary action shall taken against the erring employees. It is also the case of the applicant that the applicant was forced to purchase the material and to deposit the same in the Stores of the Licensee. It is also the case of the applicant that the applicant has handed over 300 sq.mm. cable to the Stores against 120 sq.mm. cable required. In fact despite the cable feeder pillars, transformer of requisite capacity available at the spot, the Licensee compelled consumer to obtain the estimate for the same job and that too at enhanced price. The consumer was not provided with required quotation in time.

3. Initially the grievance was submitted before IGRC, RPUC, Pune-411011. The IGRC has decided the said grievance on 26.12.2017 and directed the Licensee to provide firm quotation and to provide electric supply after receiving work completion report (WCR) as per the quotation. The IGRC has rejected the claim of SOP of the applicant. The applicant did not get satisfied with the said order and preferred present grievance before this Forum.

4. The notice of grievance was issued to Ex. Engineer, Padmavati Division, EE/CGRF/PZ/09 of 2018/48 on 27.2.2018. The reply of the respondent is submitted on 05.04.2018 and 23.04.2018. It is contended that the application for meter was received from the applicant on 03.05.2017 by the sub-division. The estimate was given to the sub-division on 22.5.2017 by Section Office. The Estimate was sent by the sub-division to Executive Engineer, Padmavati Division on 24.05.2017 and thereafter, the sanction was received on 2.6.2017 from EE., Padmavati.
5. It is further contended by the respondent Licensee that it was necessary to have the report in respect of the material from Additional Executive Engineer, that the material was as per sanctioned specifications, but the contractor of the applicant did not obtain such report and completed the work. It was also necessary to carry the said work under the supervision of the of concerned Engineer. The Section Office has accordingly informed the Sub-Division Office vide letter dated 29.9.2017.
6. The said work was not completed as per the estimate. The 120 sq.mm. cable instead of 300 sq.mm. cable was used in the same work and it is not mentioned in the estimate. The said work was not completed as per the sanctioned estimate. It was necessary to provide the electric supply with proper voltage to the consumer with feed back arrangements. The consumer has expressed willingness to pay CRA amount. However so as to provide electric supply with proper voltage and after spot inspection all the necessary information was given to the consumer and contractor during the site inspection. The Licensee is not responsible for the delay. It is contended that the material used was of substandard quality and it was used without approval of the concerned Engineer. In fact it was necessary to use 300 sq.mm. cable but consumer has used 120 sq.mm. cable of 20 meters only and did not lay the cable as per the sanctioned estimate. The consumer has deposited 80 meter 300sq.mm.cable in the store on 1<sup>st</sup> July 2017 without informing Section office. The consumer has also deposited remaining two items of four-way feeder pillar and one item LT mini feeder pillar, and 20 meter 300 sq.mm. cable on 28-12-2017. There is such correspondence by sub-

division office on 17.8.2017. The contractor has submitted work completion report (WCR) and it was immediately sent to Division on 03.01.2018 and after the approval dated 15.01.2018 the quotation was issued to the consumer on 19.01.2018.

7. It is also the case of respondent Licensee that it was necessary to obtain permission from Electrical Inspector as the building is multi storied building exceeding 15 meters from the ground. However the contractor gave letter dated 22.01.2018 and falsely informed that the height of the building is 14.2 meters and permission of electrical inspector is not required for electric supply. The said building is ground plus five floors and height is more than 15 meters. The said fact was informed to the office of Electrical Inspector on 31.01.2018. The consumer was also informed to obtain permission of Electrical Inspector and such permission was obtained and was produced by the consumer on 14.3.2018. The electric supply was accordingly released on 20.3.2018. The documents on record disclosed that the contractor is misleading the Licensee. The consumer has filed false grievance. The contractor is unnecessarily bringing pressures on the officers of the Licensee. It is submitted that the grievance may be rejected with cost.
8. The hearing of the grievance is conducted today in the presence of the representatives of both the parties. We have perused the documents on record. In view of rival submissions on behalf of both the parties, following points arise for our consideration and we have recorded our findings thereon for the reasons stated hereinafter.

<u>POINTS</u>	<u>FINDINGS</u>
i) Whether it is necessary for the officer against whom Grievance is filed shall personally remain present before Forum ?	No
ii) Whether complainant is entitled for the reliefs?	No
iii) What order?	As per final order.

9. **POINT NO.I** : The representative of the consumer Shri.Kishor Dhotre has submitted that the Officer against whom the grievance is filed shall remain present before the Forum and not through the representative. We have instructed him to point such provisions, if any, as per Rules. However he did not point any such provision. Shri.Dhotre is appearing as the representative of Consumers in several grievances before this Forum and on every occasion he stressed his points that the concerned officer against whom the grievance is filed shall remain present but without quoting any such provisions. As per Regulation No. 6.15 of MERC (CGRF and Electricity Ombudsman) Regulations 2006, it is not necessary for the officer complained against to remain personally present. As per the said Regulations a consumer, Distribution Licensee or any other person who is the party to any proceedings before the Forum may either appear in person or authorise any person, other than Advocate to present his case before the Forum and to do all or any of the acts for the purpose. In the case in hand the officer complained against is not personally present but he has given authority letter dated 21.04.2018 and authorised to Shri.Rajendra Yedke, Addl.E.E., Marketyard Sub-division for attending the hearing of present grievance. Under these circumstances and as per the above referred the Regulations, we are not in agreement with the contentions of the consumer representative. It is not necessary for the officer complained against to remain present personally before the Forum. We therefore answer the above point No. I in the negative.
10. **POINT NO.-II**: The question before us is whether there is any delay in the supply of electricity by the Licensee. It may be noted that the Licensee as well as representative of the consumer have reiterated their case in their arguments. The documentary evidence on record indicates that the contractor of the consumer did not carry the work under the supervision of concerned Engineer. The contractor has also not obtained approval in respect of the material used in the said work. In fact it is necessary to use the material as per sanctioned specifications and such reports of concerned Engineer is necessary. The record also indicates that the contractor instead of using 300 sq.mm. cable has used 120 sq.mm. cable in the said work and that

too without following standards specifications. According to the consumer representative Shri.Dhotre, the cable of 120 sq.mm. was suitable for the said work. It may be noted that the Licensee has considered future requirements of the consumer in all the necessary perspectives and has advised the contractor 300 sq.mm. cable in the said work. According to Shri.Dhotre, the consumer was ready to pay the CRA amount but it was not accepted and he was forced to purchase material from the outside and he thereby sustained losses. It may be noted that the supply is given to 10 + 1 flats in the Building and considering the safety of the consumers it was necessary to use material of prescribed standard. It is submitted that the representative of the consumer himself is the contractor of the said work and he himself has supplied the material without paying CST & GST. The copy of the receipt was shown to us wherein there is no reference of the firm of Shri.Dhotre having GST Registration. Under these circumstances it can be said that the representative of the consumer is also acting as the contractor and the supplier of the material used in the work. It is also not in order to use 120 sq,mm. cable instead of 300 sq.mm. cable. There is no dispute that on 01.07.2017 and on 28.12.2017 some remaining material was deposited by the contractor in the stores of the Licensee but without any permission of the concerned Engineer.

11. The record clearly indicates that work completion report (WCR) was submitted and sub division office has immediately sent the same report to Division Office on 30.1.2018. The sanctioned was given by Division Office on 15.1.2018 and quotation was issued on 19.01.2018. All these facts indicate that the Officers of the Licensee have acted promptly but there are several lapses on the part of the consumer and the contractor.
12. The record also indicates that it was necessary to obtain high rise permission from Electrical Inspector as the said building is more than 15 meters high from the ground. However contractor of the consumer informed the Licensee that the height of the building is 14.2 meters which is not correct. The Additional Ex. Engineer informed Electrical Inspector vide letter dated 31.01.2018 that the height of the building is more than 15 meters. Lastly the

consumer has obtained high rise permission and it was submitted to sub-division office on 14.03.2018 and the Licensee has released the supply on 20.3.2018.

13. No doubt it was necessary to release the supply within the period of one month as per the Rules. It is submitted on behalf of the Licensee that Regulation 4 of MERC (Standard of Performance of Distribution Licensees, period for giving supply and determination of compensation) Regulations, 2005) contemplates receipt of duly completed application. It is rightly submitted on behalf of the Licensee that the consumer has not submitted completed application and he was instructed from time to time to obtain high rise permission, but he obtained the same in the month of March, 2018 and it was submitted in the office of the Licensee only on 14.03.2018 and the supply was released on 20.03.2018. Under these circumstances, it cannot be said that there is any failure to meet Standards of Performance on the part of the employees of the Licensee. The consumer is, therefore, not entitled for any compensation for alleged failure to meet Standards of Performance. We, therefore, hold that the present grievance is devoid of merits and shall be dismissed. We, therefore, answer the above Point No. 2 in the negative and pass the following order.

### **ORDER**

**a) The grievance is dismissed**

**b) No orders as to cost.**

**Sd/-**  
**Anil Joshi**  
Member  
CGRF:PZ: PUNE

**Sd/-**  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ:PUNE

**Sd/-**  
**B.D.Gaikwad**  
Chairperson  
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.' ble Ombudsman within 60 days from the

date of this order at the following address.

Office of the Ombudsman,

Maharashtra Electricity Regulatory Commission,

606/608, Keshav Bldg. Bandra Kurla Complex, Bandra (E), Mumbai-51.