



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/N/150/1595 of 2017-18

Date of registration : 24/04/2018

Date of order : 20/06/2018

Total days : 58

IN THE MATTER OF GRIEVANCE NO. K/N/150/1595 OF 2017-18 M/S FRIGORIFICO ALLANA PRIVATE LTD., GAT NO.301/1A/2, VILLAGE – SANSAN, TAL-KHALAPUR, DIST-RAIGAD, PIN CODE – 410 203 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING NEW CONNECTION.

M/s Frigorifico Allana Private Ltd.,
Gat No.30/1A/2, Village – Sansan,
Tal-Khalapur, Dist-Raigad,
Pin Code – 410 203

(Consumers.No. 0380800003098)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Pen Circle, Pen

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.Ganesh Satpute, Law Officer, Pen
2) Shri.P.P.Bulbule, Dy.EE, Pen Circle Office

For Consumer - Shri. Suresh Sancheti (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter

referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein is one M/s Frigorifico Allana Private Ltd., having consumer no. 0380800003098 upon Gat No.30/1A/2, Village – Sarsan, Tal-Khalapur, Dist-Raigad, it is a L.T. connection. Consumer is also having a HT connection bearing Consumer no.030809025240 upon Gat no.17/1, 19/2, 19/4 Pen, Khopoli Road, Village-Sarsan, Dist.-Raigad for its industrial unit. Consumer applied for adding Gat No.30/1A/2, Village – Sarsan, Tal-Khalapur, Dist-Raigad in their connection Consumer no. 030809025240 at Gat no.17/1, 19/2 & 19/4 so as to enable them to take said HT power connection extended to Gat no. 30/1A/2 where in the pump house of the said plant itself is situated.

3) Consumer contends further that no restrictions can be found for above permission any where in MERC (Electricity Supply Code and other Condition of Supply) Regulation 2005. There is no reason to refuse permission when even the MSEDCL would be monetarily benefited by more tariff.

4) Distribution Licensee in reply contends that *M/s Frigorifico Allana Private Ltd., is HT consumer of opponent vide consumer no. 0380800003098 having plat at Gat no.17/1, 19/2 & 19/4, Pen, Khopoli Road, Tal-Khalapur. The tariff levied to the Consumer is HT-I (A).*

5) *M/s Frigorifico Allana Private Ltd., has taken separate LT connection in Gat no. 30/1A/2 at Village Sarsan, Tal-Khalapur for lifting waster to Industrial plat situated at Gat no.17/1, 19/2 & 19/4, Pen, Khopoli Road, Tal-Khalapur.*

6) *M/s Frigorifico Allana Private Ltd., applied for extension of HT supply released in Gat no.17/1, 19/2 & 19/4, Pen, Khopoli Road, Tal-Khalapur to Gat no. 30/1A/2 at Village Sarsan, Tal-Khalapur.*

7) *The two plots are distinct plots divided by State Highway and therefore HT supply cannot be extended to Gat no. 30/1A/2 at Village Sarsan, Tal-Khalapur.*

8) *Hon'ble MERC in tariff order clarify that HT-I (A) tariff is applicable to Industry and for use of electricity/power supply for Administrative offices/Canteen, Recreation Hall/Sport club of facilities/Health club or facilities/Gymnasium/Swimming pool exclusively meant for employees of the Industry, lifts, Water pumps, fire fighting pumps/street and common area lighting, R & D units. Provide that all such facilities are situated within the same industrial premises and supplied power from the same point of supply.*

9) *It is clear from the tariff order that HT supply cannot be extended to distinct plot for water pumps. Therefore it prays that :- The grievance of the consumer be rejected.*

10) We have heard both sides. There is no dispute that property Gat no. 17/1, 19/2 & 19/4 and the other property Gat no. 30/1A/2 are not contiguous, though there is no concurrence between the parties as to the actual distance between them. At least, one property is across the road from other. Nothing is produced to show that Gat no. 30/1A/2 is part of the plant that stands on Gat no.17/1, 19/2 & 19/4 No authentic map of the property of the plant is produced to show that Gat no. 30/1A/2 is included in it . Consumer Representative puts up a negative proposition of law that there is no restriction shown to give such permission. Distribution Licensee relies on HT-I (A) Tariff Circular which provides for a concessional (HT) tariff for various activities including water pumps if they are situated within the same Industrial premises. Consumer Representative tries to say that this provision is not with respect to granting connection etc. We have given a careful thought to the submission made. The tariff provision clinches the issue. If the power from plant is extended to the pump house, tariff applicable will be the same as applicable to the plant which will violate this tariff order. It is clear also that extension of electricity from one property to another is not in contemplation if MERC Regulations. Even the IE Act 2003 does not permit it in view of section 126. In the above view of the matter Grievance fail.

Hence the order.

ORDER**Grievance is dismissed.**

Dated: 20/06/2018.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*
- “Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.*
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*
- “Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*
- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

