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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/156/877

Date:18.12.2018

Hearing Date: 11.09.2018

CASE NO.156/2018

In the matter shifting of Electric meter Cabin

Mr.Machindra M . Bhadange
Jay Tulja Bhavani Chawal
Rambai Nagar No-2
Water Tank Road
Bhandup78
..... (Hereinafter referred as Applicant)

Vs

Maharashtra state Electricity Distribution Company Ltd
Through it's Nodal Officer,
Thane Circle,Thane
..... (Hereinafter referred as Respondent)

Appearance

For Consumer Mr.Machindra M . Bhadange– applicant.

Representative for Respondent :- Add. Executive Engineer,Isvar Nagar sub-Divison
Bhandup.

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member Secretary
and Sharmila Ranade - Member (CPO)].

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 Redressal 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 Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulator commission'.

Aggrieved by the order of the Internal Grievance redressal cell, The Appellant filed this Representation stating following points amount the others.

The applicant Shri. Mr.Machindra Bhadange has stayed at Jay Tulja Bhavani Chwal , Rambai Ambedkar Nagar No 2 ,water tank road Bhandup(W) 4000078.The meters box cabin has fixed on his house wall. The applicant complaint is that meter box cabin in bad condition and there are cases of electric shock in past. The applicant further submitted that there are drainage pipes and drinking water pipeline below the meter cabin and leakages of water takes place some times and due to leakage of water there may be possibility of short circuit. Due to this short circuit there will be possibility of fatal accident to me as well as nearby resident. The applicant also submitted that he made various applications to MSEDCL authorities to Shift the cabin to the safer place but did not take any action yet. The Officer of Bhandup MSEDCL issued notice to me and asked for alternative space for Shifting of meter cabin. On the receipt of the notice I have shown the alternative space for shifting of meter cabin but they have not taken any action. Hon'ble Energy Minister and MERC already had given instruction for

shifting the meter cabin. The electric short circuit happened on 31.01.2018 at 9.30 Pm. The Bhandup Police station also informed to MSEDCL for shifting of meter cabin but as per MSEDCL person they are not getting sufficient police protection for above said work. The applicant prayed to issue instruction to MSEDCL authority for shifting meter cabin to avoid further complication

The notice issued to Respondent on date 2/08/2018 to appear before forum. The Respondent of MSEDCL has submit the reply to the notice stating that The applicant has submitted applications for shifting of meter cabin since October 2016 whereas the committee of Chawl also submitted application to repair the meter cabin by taking safety consideration without shifting meter cabin. As per application of Shri. Bhandange additional Executive Engineer of Bhandup visited the premises for the shifting of meter but other member staying in the chawl taken objection for shifting of meter cabin so the shifting work not done. The Respondent further submitted that they tried 2 to 3 times for the repairing of meter cabin but Shri. Bhandange made obstacle for repairing meter cabin. efforts taken for finding solution for the problem and for that purpose discussion done between applicant and chawl committee on date 11.08.2017 but not reached at any acceptable solution . The Repairing work of meter cabin is not the work of MSEDCL & consumer should carry out the work as per MERC (Supply code) Regulation 2005(section A). Consumer should carry out either repairing or shifting work of meter cabin after paying applicable charges as per MSEDCL rules and regulation.

Hear both sides at length and gone through facts of case on record and documentary evidence filed by both sides on record, it appears that there are several meter connection are fixed on the same wall as provided by the compliant and ancestors of the complainant and they are going on the since long time more than 15 years. These connection are belongs to the resident of this chawal.

The complaint is unable to provide alternative space to this meter in consent with electrical connection meter holder and the Respondent.

The alternative space suggests by complaint is not space belong to this chawal and objection taken by others chawl members. The additional Executive Engineer Of MSEDCL visited the premises and vide letter no 1530 dtd 27.04.2018 informed the applicant that meter cabin is in proper condition . The Respondent also informed there is no any requirement to change location of meter cabin . The definition of grievance under regulation no 2.1 of MERC (CGRF regulation) which stated as below.

“Grievance” means any fault , imperfection ,short comings or inadequacy in the quality , nature and manner of performance which has been undertaken to be performed by a Distribution licensee in pursuance of licence ,contract, agreement or the Electricity Supply Code or in relation to (a) safety of distribution system having potential of endangering of life or property , and (b) grievances in respect of non compliance of any order of the commission or any action to be taken in pursuance thereof which are within the Jurisdiction of the form or Ombudsman as the case may be”

As per commercial circular no 224 of MESDCL dated 5 July 2014 under subject Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014. - Implementation thereof. The procedure for shifting service lines/meter given so the applicant should follow these guidelines.

2. Shifting of meters / service lines:

(a) Wherever the consumer requests for shifting the meter/ service connection in the existing premises, the premises should be inspected, examine the technical feasibility upon receipt of application and inform the estimated cost to the consumer within seven (7) days in Class-I Cities and Urban Areas and within fifteen (15) days in Rural Areas after the receipt of an application.

(b) If the consumer requests for deviation of the existing service lines in any case other than specified above, should be inspected, examine the technical feasibility upon receipt of application and inform the estimated cost to the consumer within fifteen (15) days in Class-I Cities and Urban Areas and within thirty (30) days in Rural Areas after the receipt of an application.

(c) The shifting of meter / service line in the existing premises should be completed within 7 days in Class-I Cities and Urban Areas and fifteen (15) days in Rural Areas after payment of necessary charges and receiving necessary clearances, if required.

(d) The deviation of the existing service lines in any case other than specified above Should be completed within One (1) month after payment of necessary charges and receiving necessary clearances, if required.

Therefore this grievance is not covered under the definition “Grievance” under electricity etc. the matter belong to jurisdiction of Court of law to decide issue in the complaint. Therefore it is held that this Forum has no jurisdiction to entertain this application as it not covered as grievance of the consumer under electricity Act.

It is held that the order passed by IGRC legal and proper one. Hence this complaint liable to dismissed. Hence I proceed to pass following order.

ORDER

The complaint no 156 of 2018 hereby dismiss.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.