



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

NO. K/N/152/1805 to K/N/155/1808 OF 2018-19 Date of registration : 17/01/2019
Date of order : 27/02/2019
Total days : 41

IN THE MATTER OF GRIEVANCE NO. K/N/152/1805 to K/N/155/1808 OF 2018-19 OF MR.RAVI JATENDRA SACHDEV & MRS.REENA RAVI SACHDEV, GALA NO.5, A-WING MEGHDOOT INDUSTRIAL ESTATE, HDIL, INDUSTRIAL PARK, VIRAR (E). 401 303 AND OTHERS REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Mr.Ravi J. Sachdev & Mrs.Reena R. Sachdev, K/N/152/1805 of 2018-19

Gala No.5, A-wing,
Meghdoot Industrial Estate,
HDIL, Industrial Park, Virar (E). 401 303
(Consumer no.001882673681)

M/s Polestar Polymers, K/N/153/1806 of 2018-19

Gala No.6, A-wing,
Meghdoot, Industrial Estate,
HDIL, Industrial Park, Virar East,
Pin Code- 401 303
(Consumer no.001882674258)

M/s Agpha Rubber & Plastics, K/N/154/1807 of 2018-19

Gala No.9, B-wing, Meghdoot,
Industrial Estate, HDIL, Industrial Park,
Virar (E), Pin code- 401 303

M/s Stech Engineers, K/N/155/1808 of 2018-19

G-3, Meghdoot, INDL Estate,
Building No.6, Chandansar Road,
Virar (E), Dist-Palghar, Pin Code - 401 303
(Consumer no.001884137957)

V/s.

... (Hereinafter referred as Consumer)

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.A.H.Holmukhe, EE, Vasai Circle
2) Shri.R.B.Waman, ALO, Vasai Circle
3) Shri. Mukesh More, AE (Estimate) Virar Div.

For Consumer - 1) Shri.Ravi Sachdev (C.R.)
2) Shri.Satya Das (C.R.)
3) Shri.Amit Vaidya (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 Regulations 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) Consumers (prospective) herein is these four matters respectively are 1) **Mr.Ravi J. Sachdev & Mrs.Reena R. Sachdev**, 2) **M/s Polestar Polymers** 3) **M/s Agpha Rubber & Plastics** and 4) **M/s Stech Engineers**. Grievance is that they purchased galas in Meghdoot Industrial Estate which is VVMC/CIDCO approved and has received occupation certificate. They have two transformers installed with enough power capacity with connection already given by MSEDCL.

3) It is further the case that applicants obtained NOC from M/s SKP enterprises for power and applied to the MSEDCL. Then after successful report of technical inspection and feasibility study by MSEDCL sanction letters were issued and one of the applicants actually paid connection charges, security deposit and CT/meter charges. However the Distribution Licensee has not released supply.

4) Applicants conclude that galas in an Industrial Estate which is VVMC/ CIDCO approved having its own transformers, clear documents with OC are not getting power from MSEDCL.

5) Distribution Licensee in reply contends that as per MERC Rules and MSEDCL circular regarding handing over the land for construction of substation for complexes having load more than 3 MVA, it was agreed up on by M/s HDIL to handover the required land to MSEDCL for

substation erection. Meanwhile few connections were released to M/s HDIL but till date no land is handed over.

6) It is further contended that as per letter from CIO Mumbai CIO/RIO-HO/VAS/106/131017/205 dated 27/04/2018 point no.2, no further load to be given or charged existing load if remaining uncharged should not be charged till no land is provided by M/s HDIL as per regulations. The said instructions were conveyed by Vasai Circle office to Virar Division office and by Virar Division office to Virar (E) Subdivision Office. As M/s HDIL failed to provide the land for establishment of substation connection cannot be released.

7) We have heard both sides. We have gone through the entire record chronologically.

8) First letter is dated 23rd Sept 2009 addressed by Privilege Power and infrastructure Pvt. Ltd. (Now M/s SKP Enterprises) addressed a letter to MSEDCL stating their intent to construct "HDIL INDUSTRIAL ESTATE" a new industrial complex at village Chandansar, Virar East. It was stated there-in, interalia that they would require 25 MVA electric power supply for the project. Here it is to be noted that circular no. CE (Dist.)/D-III/Circular/22197 dated 20/05/2008 which was in force at that time provided as under.

"If the complex load is 3 MVA or more then 33/11 KV s/s or 22/11 KV shall be established to cater such load, in that complex. However the cost of substation or associated facility shall be on account of MSEDCL the provision for land to accommodate substation shall be made available by the developers from the space earmarked for amenities and public utilities on non-chargeable basis. In this expenditure on the construction of the substation and lines, MSEDCL will be at liberty to provide power supply from that substation/lines to other consumers.

But the developer can choose to construct the substation as dedicated Distribution Facility and bear all expenditure if he wants that substation to remain dedicated to that complex only. In that case, the substation shall remain dedicated to that complex in future and no connections from that substation shall be released to other consumers."

9) Second document is dated 20/12/2012 addressed by HDIL to MSEDCL in which again there is a mention that they require 9 MW land for their industrial project from the erected express feeder and also required 15 MW of load in subsequent 12 to 16 months. It is further mentioned in the letter that as they were developing the "MEGA TOWNSHIP PROJECT" on in and around '800' acres of land at village Chandansar, Kopari and Shivsagar at Virar out of which '200' acres of land was coming under Industrial zone and rest '600' in residential one. Hence to meet the requirement of such huge mega Industrial and residential project, the future load requirement of such huge mega Industrial and residential project the future load requirement will go up to '200' MW in next 10 to 15 years. It is further mentioned therein as below :

“With reference to above and as explicate and explained and as discussed in detail in a coordination meeting held on 29th November 2012, we at M/s HDIL have great pleasure of informing you that we have principally consented and agreed upon providing you i.e. MSEDCL land admeasuring 8 across (Eight acres) approx. for improving overall quality of power supply and to create infrastructure to cater the future demand of the entire area in around Vasai-Virar region.”

There are other documents like sanction letters etc.

10) As we find initially the Industrial project HDIL was constructed and it was clearly stated that they require 9 MW load. Whereas as per then circular it was incumbent upon the developer to provide land for installing a substation which the developer has not done in this case. It appears that in spite of that the developer was obliged by MSEDCL by sanction and release of supply to the HDIL industrial project. It appears to us that this obliging has something to do with the assurance of the developer to handover 8 acres of land for construction of substation which remained a mere assurance. The assurance was apparently given in the wake of ensuing larger project of HDIL which included both industrial as well as residential nodes.

Consumer Representative Mr. Kapilesh Wari informed to us that the said larger project is now not happening. In all probability therefore, MSEDCL has stopped new/enhancement of load for preventing illegally being perpetuated by them viz. sanctioning load more than 3 MW without insisting for land from the developer for installation of substation. We are also told that some enquiry is also taken up at MSEDCL and the letter has been received from CIO not to sanction further load.

11) In the above background the question is whether this forum with limited powers can venture to perpetuate illegally committed by Distribution Licensee officials that too in spite of the enquiry being conducted and letter being issued not sanction further load.

12) There is one grievance i.e. 1805 in which even the charges are paid and only release of power is to be done. But once we hold that there was an illegally which can not be perpetuated by us when where Distribution Licensee has also stopped it we cannot grant any relief. We are told that Distribution Licensee is granting release of supply in cases where charges have been paid. In that went we can dispose of that grievance accordingly.

13) In the above view of the matter Grievance are liable to be dismissed.

Hence the Order

ORDER

- 1) Grievance no. 1805 is disposed as his case is being considered by Distribution Licensee for releasing supply.
- 2) Grievance no. 1806, 1807 and 1808 are dismissed.

Date: 27/02/2019

(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.

