



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/156/1842 OF 2018-19

Date of registration : 12/03/2019

Date of order : 16/04/2019

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/N/156/1842 OF 2018-19 OF SHRI.VINOD CLIMES, 201 PUNYAYI SADAN, MHASOBA MAIDAN, KALYAN (W) PIN CODE – 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Shri.Vinod Climes,
201 Punyayi Sadan,
Mhasoba Maidan, Kalyan (W),
Pin Code – 421 301

... (Hereinafter referred as Consumer)

V/s.

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

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.Rahul Sontakke, AEE, Badlapur (E) S/dn.

For Consumer - Mr.Ammar Kazi (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) Brief facts of the grievance application are that :

The consumer had approached Licensee for necessary power supply for his residence at flat no.4, Bldg. No.96 Samruddhi Enclave, power housing, Badlapur. Consumer's contention is that he had applied for electric connection on 19/11/2018 and had deposited an amount of Rs.3,153/- on the same day towards necessary charges.

Consumer further stated that as per MSEDCL commercial circular No. 286 dtd.27th April 2017 it is obligatory on the part of the Licensee to provide the connection to the consumer within 7-15 days but Licensee did not take even a preliminary step to provide electric connection to his above said premises and the delay on the part of the Licensee resulted into a lot of inconvenience to him.

Consumer submitted that he was making a continuous follow up to the Licensee's customer care and other officials of Licensee but his grievance was not resolved. One more contention of the consumer is that under IE Act 2003 as per the provision of 43 every Licensee ***shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.***

2) *****

3) *If a Distribution Licensee fails to supply the electricity within a period specified in sub-section (1), he shall be liable to penalty which may extend to one thousand rupees for each day of default.*

Consumer further submitted that he even approached IGRC but no satisfactory order was given by IGRC till date. Consumer therefore approached CGRF with the following request.

- i) My connection be installed immediately.*
- ii) Compensation of Rs.1000/- per day, after the prescribed limit of 30 days from the date of application as stated in Section 43 (3) of Electricity Act be awarded to me.*
- iii) Proceedings as per section 146 of Electricity Act be invoked against all defaulting officers.*
- iv) An enquiry regarding the applications received & connections allotted be conducted & all defaulting officers be dealt accordingly for corrupt practices.*

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/092 dt.13/03/2019 to which Licensee appeared and filed reply,

Licensee submitted that consumer's connection was approved but it could not be connected due to shortage of energy meter. However now the energy meters are made available and the meter has been installed on 18/03/2019. Licensee's representative showed us the photo of meter installation taken on his mobile.

When we put a query to the consumer in respect of this he said he has no idea but will get it confirmed and will inform to the forum.

4) We have gone through the documents placed before us and also heard the arguments of both the parties. Our observations are :

- i) Consumer has made an application for new connection on 19/11/2018 for his residential premises and the supply was effected on 18/03/2019.
- ii) An inordinate delay has been caused by the Licensee in giving electric connection to the consumer premises.
- iii) We have also gone through the provision 43 of E.A. 2003 mentioned above, which says that if Licensee fails to give connection within stipulate time. Licensee is liable to a penalty. However to penalize the Licensee does not come to our jurisdiction. To grant compensation to the consumer as per SOP and to penalize Licensee are two different things. To give compensation to the consumer as per 12 of MERC does come within our jurisdiction but as per the provision of 12.2 consumer has to make an application for SOP within 60 days from the date of cause of action. **Section 12.2 reads as under.**

The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

5) In this case consumer was supposed to make a application for compensation under SOP on or before 18/01/2019 but consumer has asked for compensation when he has filed his grievance application in CGRF. i.e. on 12/03/2019. Even in IGRC he would have asked for SOP which is not done by him.

Hence there is no scope for granting compensation to the consumer as asked by him. Though we are not granting any compensation to the consumer on the basis of the above observation towards section 43 of IE Act 2003 and clause 12.2 of ***Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014*** we except the grievance put forwards in the grievance application will be duly examined by the concerned officials of Licensee and necessary steps will be expeditiously taken to ensure that the grievances of the consumers are resolved henceforth.

1) In the light of the discussion matter stands disposed off, with a liberty to the consumer to approach the forum if the new connection which has been asked by him in this grievance application is still not installed/given by Licensee.

Hence the Order

ORDER

The Grievance application stands disposed off on the above condition.

Date: 16/04/2019

(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.

