

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

|                  |                              |
|------------------|------------------------------|
| Case No. 26/2019 | Date of Grievance : 20.04.19 |
|                  | Hearing Date : 24.05.19      |
|                  | 10.06.19                     |
|                  | Date of Order : 31.07.19     |

In the matter of delay in sanction of estimate & SOP -2014 applicable for release of NSC.

Shri. Niyamatabi Chansab Bhole, ---- APPELLANT  
S.No.55, House No.1/1,  
Bhagoday Nagar,  
Kondhwa Khurd,  
Pune - 411048

VS

The Executive Engineer, ---- RESPONDENT  
M.S.E.D.C.Ltd.,  
Rastapeth Division,  
Pune.

Present during the hearing:-

**A] - On behalf of CGRF, Pune Zone, Pune.**

- 1) Shri. A.P. Bhavathankar, Chairman, CGRF,PZ, Pune
- 2) Mrs. B.S. Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr. Anil Joshi, Member, CGRF, PZ. Pune.

**B] - On behalf of Appellant**

- 1) Mr.S.Somshekharan Naiyr, Consumer Representative
- 2) Mr. C.K.Yadav, Representative

**C] - On behalf of Respondent**

- 1) Mr. S.A.Sarode, AEE, St.Marry S/dn.

The complaint for delay in release of new connection to the consumers and claim for SOP as per Regulations- 2014.

The above named consumer gave application to St. Marry Sub/dn. on 03.11.2017 bearing No.EE/RPD/T/87/17-18/4783. In the month of Oct.2018, Addl. Ex.Engineer, St.Marry S/dn. had been given the letter to the consumer for want of details regarding estimate and short fall in the request application given by the consumer. The consumer does not recall any received such letter regarding estimate, which was given in the month of Oct.-2018. The estimate was thereafter challenged on the ground that the load of 15 KW does not required the cable of 300 sq.mm. which was shown in the estimate. The Ex.Engineer, Rastapeth Dn. who promise to look into the situation. A fresh estimate was prepared but the same problem prevailed. Thereafter, the Licensed Electrical Contractor noted that, 300 sq.mm. cable was already in place Since MSEDCL gave the cable in its estimate and obviously it did not belongs to MSEDCL. Otherwise why it is shown in the estimate which was only for the work which has to be done by contractor. Therefore consumer came to conclusion the old LEC who was replaced due to long delay and thereafter the consumer presented a WCR. However Utility AEE Kondhawa refused to approve the WCR as the cable belongs to MSEDCL. Then the matter was taken to Ex. Engineer, Rastapeth and CE, Pune Urban Zone and M.D.- MSEDCL. The copies of all correspondences made to MSEDCL are attached by the consumer alongwith the original dispute. According to the consumer, there was no any reply given by the officials of MSEDCL. The relevant copies of Indian Electricity Act , Section 43 and MERC SOP - 2014 are attached by the consumer. The consumer raised the dispute of non-resolution of his problem and not gave satisfactory explanation that why 300 sq.mm. cable is required for 15 KW connection. As the existing cable belongs to MSEDCL then why it is not mentioned in the estimate. After all an estimate is for the work which is to be done and not for the work already done. Therefore according to the consumer, the cable is not main issue for complaint for alone. Other consumers are also benefited, therefore why this consumer should bear the cost. The consumer raised suspect about the cable provided about Infra fund and attemply was made by Utility to extort the same from the complainant. The old contractor was hand in glove with

MSEDCL staff and the contractor is to rectify by Utility which is does not to the consumer. Therefore the consumer raised the dispute for grant of WCR and made an enquiry to be launched belongs to the entire case of the consumer. Such complaint was made to IGRC on 23.01.2019 and thereafter IGRC registered the case. Thereafter IGRC give notice of hearing giving opportunity to consumer and representative of Utility and proceeding for enquiry for the hearing was commence on 07.3.2019 and 20.3.2019 and thereafter IGRC obtain reply of Respondent Utility on 22.02.2019. Thereafter the IGRC passed the order giving direction to Utility to visit the said premises and make joint inspection and revised the LSR estimate vide his letter No.2128 dated 20.3.2019. Accordingly release the supply after depositing the relevant charges for 15 KW and submit the report as per MSEDCL's Rules and Regulations.

Being dissatisfied by the order of the IGRC, the present consumer approached to the Forum and filed complaint in form No. A on 18.4.2019 alongwith copy of IGRC order, estimate sanction and all other relevant documents. After filing the said dispute registered the complaint and issued the notice to the Respondent Utility. After serving the notice to the Respondent Utility appeared and file the reply. The notice dated 20.04.2019 giving directions to file the reply on or before 4.5.2019.

Thereafter the Respondent Utility filed the reply on 6.5.2019 and submitted that the consumer initially agreed to submit the pending documents in respect of new connections of the consumer and his address the application made on 03.11.2017. AEE St. Marry S/dn. and A.E., Kondhawa Section Office has visited the site and it is mentioned that it is not technically physical on the existing network due to over loading conditions. The AEE, St.Marry S/dn. gave letter and request application to provide space for transformer at their site for sanction of the load. No any reply was given by the consumer neither any relevant information was submitted by the consumer about DTC installation etc. for sanctioned of load regarding consent.

Considering the overloading condition of distribution network and pending applications of new connections, a new DTC was proposed under DPDC Scheme. After sanctioning and charging of the said DTC the pending application were process and accordingly it was sanctioned on 5.11.2018. The estimate was proposed as per actual site conditions and survey carried out alongwith consumer representative. Hence work proposed in the estimate was made and the applicants has submitted the consent for carried out the work under 1.3% DDF Supervision charges and in this estimate LT 3.5 C, x300 sq.mm XLPE cable -30 Rmt. and LT 3.5 C, x 50 sq.mm XLPE cable -30 Rmt. As per sanctioned order point No.5 states that the work has to be inspected at every stage from Addl. E.E. or by his authorized representative for which you have to give written intimation to the Addl. E.E. from time to time. The applicant has not intimated the same nor carried out the work as per estimate.

The complainant has raised objection for inclusion of 300 sq.mm. cable and also state that he has laid this cable and hence submitted the WCR documents. Also he made complaint that 300 sq.mm. cable was already present at site and was laid by MSEDCL in Infra Scheme. These 2 statements of complainant are very contradictory. The documents submitted by complainant on dated 05.11.2018 & 14.11.2018 clearly indicates that LT 300 sq.mm. cable has not laid by the consumer and this documents are fake and also states that the said cable laid by his previous contractor.

The letter dated 11.10.2018 is filed by Utility as per estimate DDF and power supply and connection was sanctioned by authority, and the estimate sanctioned copy dt. 05.11.2018 is filed on record. The work proposed the estimate as per actually requirement of 300 sq.mm. cable was required by existing system. The up gradation to release the said load the estimate has sanctioned 1.3% Supervision Charges Scheme for which consumer submitted his consent. Also consumer has accepted the said sanctioned the order and paid 1.3% Supervision charges against the estimate to carry out the work but consumer did not completed the work as per sanctioned estimate and hence the work completion report was pending thus the power supply connection for the said complex was opening as per order of IGRC dtd 20.03.2019, and

joint inspection of AEE St.Marry and A.E. Kondhawa S/dn. was carried out on 26.03.2019 alongwith consumer representative and he refused to visit the location for proposed work. Meanwhile considering the urgency, the 300 sq.mm. cable was laid under maintenance head i.e. work done under another scheme by Respondent Utility. It is noticed that LT 3.5 x 50 sq.mm. cable -30 Rmt. as per sanctioned estimate, instead LT 3.5 C 35 sq.mm. cable was present at site feeding the existing meter at site. As per the joint survey the revised estimate was issued on 24.4.2019 and as per revised sanctioned order, the revised quotation was prepared and issued to the applicant.

The St. Marry sub/dn. estimate sent on 12.4.2019 and accordingly the revised estimate was sanctioned by Ex.Engr. Rastapeth Sub/dn. on 24.4.2019. The Respondent Utility has issued to the notice that, this fact to the consumer and requested to submit the application form through online 8.5.2019. After the receipt of the A-1 applications the connections will be released only after receipt of A-1 application and payment of firm quotation. The Respondent Utility further submitted that the complaint of IGRC as conducted hearing on 7.3.2019 & 20.3.2019 the hearing was attended by consumer and representative of Shri.Sarode of St.Mary Sub/dn. and passed order on dtd. 20.3.2019. Hence as per revised estimate sanctioned. The consumer has to pay the charges as per MSEDCL's Rules and Regulations so that the connection can be released for 15 KW. Though the revised estimate is sanctioned and consumer/applicant not laid the cable, hence the problem will be standing and the connection will not be released. The copy of IGRC and all other relevant documents submitted by the Respondent Utility that the said fact he consider sympathetically and there is no fault as per the part of Utility when consumer complaint liable to be dismissed with cost.

I have perused consumer complaint, copy of IGRC order, all the relevant documents, agreement, estimate sanctioned and the objection raised by the consumer appropriate time. I have also perused copy of reply and documents submitted by utility in chronological order to solve the dispute. The copy of circular and relevant documents for the perusal of this Forum as such I have gone through the dispute of the consumer minutely.

Following points arose for my consideration to which I have given my findings to the issue alongwith reason given below:-

1. Whether consumer is entitled for compensation under SOP Regulations for delay cost for supply to the premises as demanded by the consumer as and their own fault?
2. Whether consumer entitled for any other relief?

Reasoning :-

I have given opportunity to the consumer and his representative should appear before this Forum and also I have given an opportunity to the representative of the Respondent Utility St. Marry S/dn. The consumer has filed the copy of short notes, circulars, Notification and all the correspondences made alongwith documents and perused the same. It appears from the dispute that, the consumer initially proceeded for giving application and got sanctioned of his proposal by his application dtd. 01.11.2017 and the Respondent Utility informed to the consumer for submission of pending documents in new connection vide his letter No.EE/RPD/Tech/87/17-18/4783 dtd.03.11.2017 and also 25.10.2018. According to the consumer the inspection who have been done on or before 10.11.2017. However the intimation was given to the consumer for submission of required relevant documents on or before 10.11.2017 instead of the site inspection, because inspection shall be done if all the relevant documents submitted by the consumer then it will be applicable for 7 days time period from the date of submission of application in all respects. The balanced documents were received on 2.11.2018 and the estimate was sanctioned on 05.11.2018.

Therefore the date given by the consumer as well as the Respondent Utility was verified from the original records submitted by both the parties at every stage. The MSEDCL which was disclose by reply of the Utility clearly indicates that, the initial proposal of the consumer which was sanctioned under 1.3% Supervision charges Scheme. The sanctioned order place on the record which reads as under:-

As per the said sanctioned order the details of the estimate, firm quotation issued and sanctioned order dtd 15.11.2018 was placed before me. The said order signed by Ex. Engr. clearly indicates that if any dispute arises the decision of the undersigned will be final and validity for payment is 90 days from the date of issue of this order and execution of work should be completed within 6 months from the dates of the payment.

According to the consumer and the Respondent Utility the procedure of site inspection, intimation of charges to be borne by applicant, time period for provision of supply from the date of receipt of completed application and payment charges was observed by this Forum at every stage on the documentary evidences submitted by both the parties.

The delay on the face of record initially accepted by the consumer and thereafter he acted upon and proceeded with the stages. However the consumer was accepted and paid the amount of Rs.485/- as per sanction order and validity of the said sanction order is only 6 months to take up the work completed apparently and the said the work was not completed as laying of cable 300 sq.mm. and was not laid and therefore the connections was not released within prescribed time limit due to delay from the consumer side.

After raising of the dispute by the consumer which was previously sanction estimate, inspection report, Firm quotation issued, payment details etc. and accordingly revised the estimate by the Utility as per the IGRC Order. Hence, the revised estimate was also made by the Utility alongwith consumers representative as per the latest technical feasibility report and recent circular of Schedule of Charges (SoC) w.e.f. 01.09.2018 dated 08.10.2018 and it is applicable to the said consumer and accordingly on this basis the revised estimate was prepared by the Respondent Utility. As consumer was himself objected the previous sanction estimate for laying of 300 sq.mm. cable and refused the same. In the meantime the said work was carried out by the Utility under other head also during site visit it was observed that the LT cable 3.5 x 50 sq.mm. - 30 Rmt. was not laid as per sanction estimate to feed the existing meter at site.

Previously the distribution transformer was overloaded as replied by the Utility in their reply thereafter completion of the work of installation of new transformer and charging of transformer the pending application were processed and hence the estimate for power supply was submitted to division office and accordingly sanction was got on 05.11.2018.

The consumer was failed to respond for laying of 300 sq.mm. LT cable - 30 Rmt. and 50 sq.mm. LT cable - 30 Rmt. even though he was paid the Rs.485/- charges on 12.11.2018 as per 1.3% Supervision charges. At that time, consumer was not objected for the said estimate for a long period and himself he proved that the estimate is agreed by payment of the 1.3 % Supervision charges.

Even then the live of 300 sq.mm. objection was still in existence. In the meantime consumer chooses to make the complaint to IGRC and the hearing was made IGRC as per the order dtd. 20.03.2019, giving directions to the Utility to make joint inspection report and revised estimate as per MSEDCL Rules and Regulations and informed accordingly. As per order the revised estimate was given as per Schedule of Charges (SoC) as per C.E. Commercial Circular No.23862 dtd. 08.10.2018. But the consumer was disagree to deposit the service connection charges which was prepared the estimate as per recent circular. The copy of the said circular placed before this Forum.

In this circumstances, this consumer brought original dispute and said complaint in form No. A. The nature of dispute verified by this Forum as the cause of action to give benefit to breach of SOP should have been raised, but it seems, that there is no any fault intentionally on the part of the Respondent Utility as well as there is no dispute that the objection raised by the consumer himself. There is no any delay in making the joint inspection, sanction of estimate etc. The action is taken by the consumer, it means that the proposal was accepted by the consumer but thereafter raised the objection and not completed the work within stipulated time. According to me, on the part of consumer and as such the consumer cannot give advantage of benefit of SOP on the above circumstances.



If the consumer desires the new connection then, consumer shall made the payment as per revised sanction under service connection charges and the amount of Rs. 485/- shall be reimburse to the consumer as per old sanction estimate as per 1.3% Supervision Charges deposited by the consumer. The consumer is liable to pay the charges as per revised estimate which was given by the Utility as per Circular dated 08.10.2018 under SoC head and comply the same and this movement it was brought to my notice 1.3% Supervision Charges deposited by the consumer ought have been refunded by Utility as benefit of the scheme was ultimately felt by the consumer. As such the consumer may be entitled to refund of those charges only after filing proposal under A-1 application process as per Schedule of Charges Scheme and to pay these charges accordingly as per revised estimate, issued firm quotation and observe the procedure as per MSEDCL Rules and Regulations. In these circumstances the consumer disintitled to grant relief of compensation of breach of SOP as per Regulation-2014, hence I am not inclined to grant any relief at this stage to this consumer.

I agree,

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

Sd/-  
Anil Bhavthankar  
Chairperson  
CGRF:PZ:PUNE

**Member (Anil Joshi, CPO)**

I am of the considered view that before the order is passed on the Appeal filed by the aggrieved consumer, following aspects closely associated with the entire gamut of the issues needs to be considered critically. For ready reference, the date-chart of the events associated with the grievance is placed below for ready reference –

**CHRONOLOGY OF EVENTS –**

|  |  |
|--|--|
| <b>Date of Application to the DL</b>   | <b>01.11.2017 (for load of 15 KW)</b>  |
| <b>Application registered by DL</b>  | <b>03.11.2017</b>                      |
| <b>Non-feasibility report submitted on {This should have in fact be within the period of 14 days from the Application made.}</b>   | <b>06.03.2018</b>                      |
| <b>Applicant advised for space for new transformer at their site under DDF</b>   | <b>06.03.2018</b>                      |
| <b>LSR with feasibility after charging of new 315 VA DTC (Distribution Transformer) under DPDC scheme at Shivneri Nagar received by DL</b>   | <b>11.10.2018</b>                      |
| <b>Estimate under DDF scheme for power supply to the site of the Appellant sanctioned on (Work proposed in estimate was as per actual requirements at the site.) {Estimate sanctioned under 1.3% Supervision Scheme}</b> | <b>05.11.2018</b>                      |
| <b>➤ Work Completion Report is pending</b>   | <b>PENDING</b>                         |
| <b>Resultantly – release of power supply connections for the said complex is pending</b>   |  |
| <b>As per IGRC order, joint survey carried out by the Addl. EE, St. Mary Sub-Division and AE, Kondhwa</b>  | <b>26.03.2019</b>                      |
| <b>Due to delay in carrying out the then proposed work from the Appellate the work of laying 300 sq. mm cable was done under another scheme and revised estimate prepared and sanctioned by the competent authority</b>  | <b>12.04.2019</b><br><b>24.04.2019</b> |

2. During the course of hearing, the Appellant submitted that the DL never responded to its objections recorded and went ahead with issuing sanction of the Quotation / Revised Quotation. Under the given circumstances, the position obtaining on the date of the hearing in the matter held on **10<sup>th</sup> June, 2019**, was that the inmates of the project continued to be without electricity supply despite the fact that the application had been made for the same on 1<sup>st</sup> November, 2017.

3. It is worth mentioning that the entire issues associated with the original grievance of the consumer filed with the IGRC, and subsequent appeal to the Forum, revolves against the single dispute – whether the 300 sq. m. cable at the sight belonged to the Utility or otherwise. The Utility had observed silence on the issue and could not substantiate that the cable for which dispute was ongoing in fact

belonged to it. In its support, the Utility was at liberty to have placed before the Forum copies of their Stock Register / On-site Stock Register with requisite entries therein in support of their claim that the disputed cable in fact belonged to the Utility. The Utility was also given ample opportunity to substantiate its claim about the ownership of the said disputed cable lying at the site. However, the crux of the grievance / appeal filed by the consumer could not be responded by the Utility during the hearing also.

4. Had the Utility followed the mandatory provisions of the SOP, under the normal circumstances, the aggrieved consumer / Appellant should have received the electricity supply on or before 1<sup>st</sup> December, 2017 positively, which, however did not happen in the instant case for the reasons which could not be substantiated by the Utility. Therefore, there are reasons to believe gross violation of the provisions by the Utility inviting its liability to the Appellant under the provisions of SOP, 2014. I am, therefore, of the considered view that the Utility is obliged to pay to the aggrieved Appellant admissible compensation as provided in Regulation Four (4) of the provisions of MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014, which deals with the subject matter – “New Connection (including Temporary Connection) / Additional Load / Reduction in Load, and more precisely described in ‘Appendix - A’ to the Regulations providing therein the level of compensation payable to the consumer for failure to meet the standards of performance by the DL. As provided against item No. (1) (iii) in the said table, which speaks about Provision of Supply (including Temporary Connection), the Appellant is eligible for compensation @ Rs.100/- per week or part thereof for the delay and the Utility be directed to pay the same accordingly.

Sd/-

**Anil Joshi**  
Member  
CGRF:PZ: PUNE

I have perused the objections raised by the Member

Further order in continuation the Case No. 26 of 2019 I have perused objection raised by Member Shri. Anil Joshi. Thereafter I have given 2<sup>nd</sup> review though and verified original case paper since beginning. The points for review appears the objection raised by consumer is in other form put up in writing by objection by Member according to him original proposal which was sanctioned by concern authority. In view of application dated 01.11.2017 the load demanded 15 KW. The process of sanctioned of estimate in 1.3 % Supervision Charges scheme under DDF scheme power of supply which was sanctioned on 5.11.2018. The report itself indicates that work completion report is pending, observations of IGRC seriously noted in the Para No. 3 & 4 of judgment which indicates WCR cable of 300 sq.mm. for 15 KW which was estimated in sanctioned proposal itself. The entire sanctioned order and Annexure specification of material and approval which was granted by Competent Authority.

In spite of that, objection raised by consumer himself disagree with the completion of work as cable 300 sq.mm. which is not necessary. The said objection ought to have been decided by consumer within stipulated time 90 days as per sanctioned order which was violated by consumer himself. The report of Addl. Ex. Engineer, St. Marry Sub/dn. informed to the consumer on 6.6.2018 by letter, but the consumer fail to give response and not replied the letter of Utility. The DPDC scheme for 315 KVA transformers was charged and as per order of IGRC revised estimate and proposal was sanctioned under SOC Scheme recently. It was informed on 5.11.2018 for Rs. 31,530/- estimate amount required to be deposited by consumer which was disagree by the consumer and he file complaint before IGRC.

It is important to note that granting breach of SOP compensation on earlier proposal which was already terminated due to lapse of period. The said SOP compensation not at all claim before IGRC. The consumer it seems not disputed the issue before IGRC to my view and new please cannot be raised first time before this Forum in form No.- A. The said issue ought to

have been decided and demand of Addl.E.E., St.Mary S/dn. and the complaint before IGRC. I am not inclined to allow to raise new issue before this Forum as raised by the consumer. In this verification and review of new fact Member objection the old lapse proposal should have been considered and SOP compensation shall be given as absolutely illegal and not tenable. Hence I have no other option to refund the charges which was recovered under lapse old proposal under 1.3 of Supervision charges scheme to the consumer which already order passed binding. The consumer required to give response and sanction of T/F under DPDC Scheme 315 KVA already charged and fresh estimate is informed if he desires to connect the supply as per his application within one month from the date of this order. Hence there is no modification or review order is required to the objection raised by member, hence objection is over rule, earlier order confirmed I am not inclined to proceed to pass the following order :

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to submission of both the parties made during the instructions given at the time of hearing by the Forum.

Hence order by the majority.

### **ORDER**

1. The Consumer Complaint of Case No.26 of 2019 stands dismissed.
2. The refund shall be made to the consumer as per old estimate sanction under 1.3% Supervision charges.
3. The Utility may recover the charges as per the revised estimate under Service Of Connection charges.
4. The Licensee is directed to report the compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 31<sup>st</sup> July - 2019.

**Note:-**

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman  
The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / ~~disagree~~

Sd/-  
A.P.BHAVTHANKAR  
CHAIRPERSON  
CGRF: PZ:PUNE

Sd/-  
BEENA SAVANT  
MEMBER- SECRETARY  
CGRF:PZ:PUNE