



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1608/1943 OF 2019-20

Date of registration : 11/09/2019

Date of order : 04/11/2019

Total days : 54

IN THE MATTER OF GRIEVANCE NO.K/E/1608/1943 OF 2019-20 OF SMT.SHALAKA RAVINDRA PATIL, G.NO.1058, MAUJE CHARGAON SAMBARI, TAL AMBERNATH, DIST.THANE, PIN CODE – 421 503 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT NEW CONNECTION.

Smt.Shalaka Ravindra Patil,
G.No.1058, Mauje Chargaon Sambari,
Tal Ambernath, Dist. Thane,
Pin Code – 421 503

(LT - Res.)

. . . (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.Manoj N.Karad, AEE, Badlapur (W)

For Consumer - Shri.Ravindra Eknath Patil (C.R.)

[Coram- Shri.A.P.Bhavthnkar -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 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 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 complaint no.1943 of 2019 Smt. Shalaka Ravindra Patil, G.No.1058, Mauje Chargaon Sambari, Tal : Ambarnath, Dist. Thane V/s AEE, Badlapur Sub division. Complaint about installation of new supply to the premises which was sanctioned by Respondent utility & finally installation charging permission given by Electrical Inspector by letter dtd.31/07/2018. Above name consumer filed application before Respondent Utility office for supply to her premises, survey no. 1058 Sambhari village, Boradpada road, Badlapur, Tal Ambarnath, Dist. Thane by installation of 315 KVA transformer. The said application is submitted to the office, which was duly sanctioned in Non DDF CC&RF scheme of 2017-2018 dtd.02/02/2018. The estimate, site map, all relevant document, inspection of transformer report, location map, work contracts scheme under NON DDF CC & RF, copy of sanction order, copy of Technical Verification Report estimate, all the document is submitted by consumer along with copy of property document Grampanchayat permission of Chargaon village and initially filed the dispute before IGRC on 25/04/2019. After filing the said dispute it appears from record that IGRC failed to take any action within stipulated period of two months. Therefore the grievance is filed by this consumer on 11/09/2019, with prayer to give direction to utility to install and activate the said transformer immediately and also grant NON-DDF amount invested should be refunded with interest. After filing the said dispute on 11/09/2019, notice was issued to the Respondent Utility on the same day, giving direction to utility to file reply on 25/09/2019. After receiving the said notice, Respondent Utility appeared and filed the reply along with correspondence and report of theft of transformer to concern Police Station. All the relevant document is file by Respondent Utility also. It is contention of Respondent Utility that the application is filed on 21/12/2017 by Smt. Shalaka Ravindra Patil for installation of new connection and transformer in NON DDF scheme. The demand is made as for new connection of 40KW load & considering further expansion in future the transformer 315 KVA was sanctioned under the scheme. Meanwhile The Chief Engineer (commercial) issued circular vide CE(DIST)/D-III/Non DDF CC & RF/5489 Dated 14/03/2018 in which refund under Non DDF scheme was stopped and the direction given to concern Chief Engineers to verify all refund proposals. The Chief Engineer Kalyan verified the said proposal for request of refund and after verification it is informed that the refund is not permissible when the demand is 48KW and the transformer installed is of 315 KVA. It is installed without following company procedure and rule therefore refund is not permissible. However Respondent Utility informed they are ready and willing to give supply to the premises but request of refund cannot be granted as proposal is not accepted by Chief Engineer.

After perusing the rival contention of consumer and Respondent Utility following point arose for my consideration to which I have recorded my finding to the points for the reason given below.

Points :

- i) Whether consumer is entitled for installation of new transformer and charge 315 KVA transformer?

- ii) Whether consumer is entitled give compensation for breach of SOP for delay in giving supply?
- iii) Whether consumer is entitle for any refund non DDF amount with interest?
- iv) What order?

Reasoning :

I have given opportunity for hearing to consumer and Representative and Respondent Utility officer on 11/10/2019. The dispute was heard by this forum. It appears from reply that, as per application filed by consumer Smt. Shalaka Ravindra Patil dtd. 21/12/2017, the proposal was accepted and granted under Non DDF CC & RF scheme. There is no dispute that the demand made in the proposal is 48 KW even then the utility authority proceeded and granted the work of estimate, detail inspection of site, installation procedure, estimate technical feasibility report and proposed expansion considered and proposal of installation of transformer 315 KVA was sanctioned and allowed. Obviously as per the letter of sanctioned the scheme of Non DDF CC & RF was extended and allowed to consumer on 14/03/2018. Copy of the said document filed on record is minutely perused. As per the report of Electrical inspector on 31/07/2018 the charging permission to the installation was granted, but the transformer is not charged yet nor the connection is released. Therefore the grievance is made by this consumer initially before IGRC authority by complaint on 25/04/2019, but IGRC also failed to take any action and not decided the matter within the period of two months. Therefore the dispute is filed before this forum.

At the first instance, whether any of the relief falls in the jurisdiction of this forum to decide the issue and grant relief? To my view, as per the application and sanction letter on 31/07/2018 and the reply filed by utility, they are ready and willing to give the supply through this transformer. When this two admissions of utility is in favor of consumer, the question of delay in supply of electricity for new connection of the consumer is raised unnecessarily. On perusal of breach of SOP regulation 2014, the consumer is entitled for the supply within reasonable period which is available under SOP. As there is admission of utility they are ready and willing to give the supply. I am inclined to grant relief and give direction to utility to charge the transformer and release the supply to applicant after due verification and checking within 15 days from receiving this order and inform to the office about compliance.

I further express my view that, granting of refund of Non DDF scheme in the sanctioned estimate is a policy matter and required to be decided at competent authority. As execution of agreement along with sanction order and proposal of estimate, the entire work under the scheme was interested and completed by the consumer considering future expansion of his total land. As per regulation the refund of invested amount is controlled by MERC order time to time. As it is a policy matter this forum not inclined to decide the issue of refund with interest. As consumer may approach to the proper authority for such relief as per due sanction and order of MERC competent authority. The consumer also entitled for SOP if any delay in release of supply to new connection after this order. He can claim damages and Compensation as per breach of

SOP if supply not released within stipulated period. I am inclined to grant part relief to the consumer and proceed to pass following order.

Hence the order

ORDER

- 1) The Consumer complaint no.1943 is partly allowed.
- 2) The Respondent Utility shall charge the transformer and release the connection after due verification and check within 15 days from the date of this order. File compliance report.
- 3) The issue of refund of Non-DDF invested amount and refund with interest, the consumer may approach to the competent authority as per direction of MERC regulation and order time to time. If utility fails to release the supply within stipulated time, the consumer may claim compensation under breach of SOP as per regulation and file complaint again. No order as to the cost.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 04/11/2019

Sd/-
(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan

Sd/-
(A.P.Bhavthnkar)
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.