

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 206 OF 2019

In the matter of release of residential connection

Ganesh Shivaji Kalkundre..... Appellant

V/s.

Adani Electricity Mumbai Limited (AEML)..... Respondent

Appearances

For Appellant : Harish Warde, Representative


For Respondent 1. Mritunjay Kumar Jha, DGM & Nodal Officer
2. Hemant Natu, Sr. Manager

Coram: Mr. Deepak Lad

Date of Order: 14th January 2020

ORDER

This Representation is filed on 21st November 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 6th November 2019 passed by the Consumer Grievance Redressal Forum, Adani Electricity Mumbai Ltd. (AEML) (the Forum).



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



2. The Forum, by its Order dated 06.11.2019 has disposed of the grievance application. The Forum observed that the Appellant is not ready to lay the outgoing wire from the location where Utility is ready to fix the meter up to his premises on the ground that the distance is more, it will not be just and proper to give direction to Utility to give electric connection to the premises of the Appellant when it is not feasible for them to lay the cable through the gutter or by digging 3 feet deep causing some damage to the drainage of the people residing in the hutment nearby said location.


3. Aggrieved by the order of the Forum, the Appellant has filed this representation stating in brief as below: -

- (i) The Appellant has applied for residential connection on 13.02.2019 at Room No. 11, Rajechatrapati Vasahat, Indira Nagar, Opposite Goregaon Bus Depot, Goregaon (West), Mumbai which is in use and in occupation. The Appellant was given Contract A/c No.152730907 after registering the application.
- (ii) Site verification was done, estimate was generated on 15.02.2019 by the Respondent. Accordingly, the Appellant has paid the estimate amount of Rs.2677/- on 07.03.2019. As per the Electricity Act, 2003 (the Act) and the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations), the Distribution Licensee has to provide the meter connection within one month from registration of the application and payment made thereof.
- (iii) The Respondent is liable to lay the cable and install the meter within time schedule of one month. However, the Respondent failed to do so. Hence, the Appellant filed a grievance application to the Internal Grievance Redressal Cell (IGRC) on 24.05.2019. The IGRC, by its order dated 11.07.2019 did not give any concrete decision for release of service connection.
- (iv) The Appellant approached the Forum on 29.07.2019. The Forum, by its Order dated 06.11.2019 has disposed the grievance application without considering facts hence the order is false and injustice to the Appellant.


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- (v) The Appellant prayed that the Respondent be directed to provide the meter connection by laying the cable at their own cost immediately without further documentation.
4. The Respondent AEML has filed its reply by letter dated 27.11.2019 stating in brief as under: -
- (i) The Appellant is seeking new electric connection for the residential purpose for the premises situated at Room No. 11 at Rajechatrapati Vasahat , Indira Nagar, Opposite Goregaon Bus Depot , Goregaon, Mumbai.
- (ii) The Appellant has fulfilled required formalities and objections and accordingly the electric connection has been released on 04.12.2019 through Meter No.10652696, Consumer A/c. No.152730907 in the name of the Appellant. This fact has been updated to this authority vide email dated 05.12.2019. Since the grievance of the Appellant has been resolved and it is humbly submitted that there is nothing left in the present representation for adjudication, therefore the present representation is liable to be dismissed.
- (iii) Appellant has given assurance to the Respondent that post installation of the meter, he will withdraw his present representation, however, he has deliberately not submitted any application before this authority. The act of the Appellant is nothing else but waste of precious time of this authority.
- (iv) The reply filed before the Forum may also be taken into consideration. The Appellant had applied for new electric connection at his aforesaid premises on 13.02.2019. In accordance with documents submitted by the Appellant and site report, the service position was identified in consultation with the Appellant and estimate was generated on 15.02.2019, same was paid by the Appellant on 07.03.2019. Subsequent thereto, the Appellant re-assigned the meter position (service) i.e. near to the doorstep of his premises.
- (v) During excavation of land for laying the cable to provide electric connection on 22.04.2019 the residents took strong objection at site and did not allow the Respondent to complete their job. Pursuant thereto, the Respondent and the


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Appellant again jointly visited the site. During the site inspection, the Appellant urged for a new meter fixing (service) location was shown to the Respondent for which the service line is to be laid through drainage which is not acceptable to the Respondent.

- (vi) The Appellant filed the grievance in IGRC and then in Forum. The Forum, by its Order dated 06.11.2019 has rightfully disposed of the grievance filed by the Appellant and has passed order after careful consideration of entire facts and records and therefore holds good in the eyes of law and interest of justice.
- (vii) Post order passed by the Forum, the Appellant fulfilled required formalities and accordingly the electric connection has been released on 04.12.2019.
- (viii) In view of the facts, the Respondent prayed that the representation of the Appellant be rejected.

Analysis & Ruling

5. The hearing was held on 08.01.2020. During hearing, the Appellant and the Respondent argued in line with their written submissions. The Appellant argued that the supply of the Appellant was released on 04.12.2019 unwillingly. The Appellant laid a very long cable/ wire from point of supply from meter cabin of the Respondent. The Respondent did not give meter at his doorstep. It is the responsibility of the Respondent to give supply at his premises. The Respondent failed to do so, hence the Respondent be penalised accordingly.

6. During the hearing, the Respondent argued that it was not possible to lay cable up to the hutment as said hutment is situated in slum where supply cable has to cross big drainage. Considering the safety of electricity, it is not feasible to cross big drainage, and maintain the power supply in future. There were lot of objections also for laying the cable in that area. The supply of the Appellant was released on 04.12.2019 by installing the meter in meter cabin where other meters of adjacent hutments were also fixed. Nothing is remained. In view of this fact, the Respondent prayed that the representation of the Appellant be rejected.


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7. Heard the parties. I perused documents on record. The Appellant has made an application on 13.02.2019 for seeking electrical connection for residential purpose. The Appellant has paid the required statutory connection charges on 07.03.2019. The Appellant has stated that supply was to be given within one month as per the Regulation 4 of SOP Regulations. Section 43 of the Act provides that the distribution licensee shall, on an application by the owner or occupier of any premises, give supply of electricity within one month. Provision of Section 43 of the Act is, however, subject to exceptions as provided in Section 44 of the Act. The Respondent pointed out that during excavation of land for laying the cable to provide electric connection on 22.04.2019, the residents took strong objection at site and did not allow the Respondent to complete their job. New meter fixing location was shown by the Appellant to the Respondent for which the service line is to be laid across a drainage of 4 feet x 6 feet crossing which is not acceptable to the Respondent and also not practically possible to lay the cable considering safety and maintenance of electricity.

8. I have noted that the Respondent has reported vide its email dated 05.12.2019 that the supply of the Appellant was released on 04.12.2019 after fulfilment of required formalities for wiring from the meter cabin to his premises. The Respondent has also satisfied the objections raised in that locality. I agree to the contention of the Respondent that it is practically difficult to lay the cable through the big drainage at site considering the maintenance and safety of electricity. Since, now the supply of the Appellant is already released, nothing remains in the representation. Hence, there is no merit on the remaining issue raised by the Appellant.

9. In view of the above, I do not find it necessary to interfere in the order of the Forum. In the result, this representation is disposed accordingly.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

