

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REPRESENTATION NO. 223 OF 2019

In the matter of delay in releasing new connection

Nilesh Narayan Jabade..... Appellant

V/s.

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

Appearances

For Appellant : Ramzan Shaikh, Representative


For Respondent : 1. Mritunjay Kumar Jha, DGM & Nodal Officer  
2. Yogesh Patil, GM  
3. Apeksha Jadhav, DGM

Coram: Mr. Deepak Lad

Date of Order: 20<sup>th</sup> January 2020

**ORDER**

This Representation is filed on 20<sup>th</sup> December 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 2<sup>nd</sup> December 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 02.12.2019 has disposed of the grievance application. The Forum observed that there is some substance in the contention of the representative of the Utility that they could not release the electric connection for want of necessary statutory compliance. Hence, the Forum does not find any substance in the claim of compensation of the Appellant.

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 with all required documents on 20.05.2019 at Room No. 1104, Shri Ganesh Krupa Chawl, near Sai Baba Mandir, Annabhau Sathe Nagar, Shivaji Nagar, Mumbai which is in permanent occupation and subsequently, after registering the application, the Respondent gave a Business Partner No. 906769746 on 20.05.2019.
- (ii) The Respondent did not visit the site. The Appellant approached many times to the Respondent, however, there was no positive response.
- (iii) Hence, the Appellant filed a grievance application to the Internal Grievance Redressal Cell (IGRC) on 04.07.2019, however, the IGRC did not give any hearing. Thereafter, the Appellant approached the Forum on 20.09.2019.
- (iv) During hearing before the Forum, the Respondent produced letter addressed to the Appellant dated 14.06.2019 regarding incomplete wiring at the site. The Appellant reiterated that he did not receive such a letter which may have fabricated afterthought. In fact, the Respondent never visited the site till date.
- (v) During hearing, the Forum directed both the parties to have a joint inspection of the site on 16.11.2019 and it was found that the wiring was complete in all respects.
- (vi) The Respondent generated estimate of statutory charges of Rs.2557/- on 18.11.2019. Accordingly, the Appellant paid the estimate amount on the same day and the connection was released on 19.11.2019.
- (vii) The Forum, by its Order dated 02.12.2019 has disposed the grievance application without considering facts for compensation for delay in giving connection.
- (viii) The Respondent did not do site verification as per the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply)

  
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Regulations, 2005 (Supply Code Regulations). The Respondent had to provide the meter connection within one month after registration of the application and payment made thereof as per the Section 43 of the Electricity Act 2003 (the Act) and the Supply Code Regulations. However, the Respondent failed to do so. Hence, the Respondent to compensate at the rate of Rs.1000/- per day for the period from 20.05.2019 to 18.11.2019 as per the Section 43 of the Act.

- (ix) The Appellant prayed that the Respondent be directed to compensate at the rate of Rs.1000/- per day for the period from 20.05.2019 to 18.11.2019 as per the Section 43 of the Act.

4. The Respondent AEML has filed its reply by letter dated 23.12.2019, with a request to consider their reply filed before the Forum, briefly stating as below: -

- (i) The Appellant had applied for new electric connection for the residential purpose for the premises situated at Room No. 1104, Shri Ganesh Krupa Chawl, near Sai Baba Mandir, Annabhau Sathe Nagar, Shivaji Nagar, Mumbai and Business Partner No. 906769746 was generated on 20.05.2019.
- (ii) The Respondent visited the site on 22.05.2019 but the premises was found locked. The Respondent revisited the site on 04.06.2019 and 13.06.2019, however, it was found that installation wiring of the Appellant was incomplete and there was no space in meter box. Accordingly, the Appellant was informed about the incomplete wiring vide letter dated 14.06.2019 which was system generated letter. However, the Appellant did not respond. On the contrary, the Appellant filed the grievance with IGRC on 04.07.2019. Hence, further action was not taken. The Appellant approached the Forum on 20.09.2019. The Respondent revisited the site on 04.11.2019 but the position at the site was found as it was.
- (iii) During the hearing, the Forum directed both the parties to have a joint inspection of the site on 16.11.2019. As per direction, the Respondent visited the site along with the Appellant on 16.11.2019. It was observed that the Appellant had completed the wiring works up to the meter cabin and fulfilled other requirements like installation of MCB near the point of commencement of its supply. Hence, the

  
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estimate was generated on 18.11.2019, and the Appellant has paid the required charges immediately. The electric connection is released on 19.11.2019.

- (iv) The Forum vide Order dated 02.12.2019 disposed of the grievance application observing that the Forum does not find any substance in the claim of compensation of the Appellant since the Respondent could not release the electric connection for want of necessary statutory compliances.
- (v) 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 he had applied for new connection along with test report of licensed electrical contractor which was acknowledged on 20.05.2019 by the Respondent. However, the Respondent did not do the site verification within three days as per Regulations. The Appellant then filed the grievance application with the IGRC on 04.07.2019 but the IGRC did not give him hearing in prescribed time period hence the Appellant approached the Forum on 20.09.2019. The Appellant requested that the Respondent be directed that such inactivity of the IGRC should not happen with other consumers. The Respondent released the connection on 19.11.2019 which was supposed to be released within one month i.e. in June 2019. This caused the Appellant to run from pillar to post for the period 20.05.2019 to 18.11.2019, hence, the Appellant prayed that the Respondent be directed to compensate at the rate of Rs.1000/- per day for the period from 20.05.2019 to 18.11.2019 as per the Section 43 of the Act.

6. The Respondent argued that the application of the Appellant was registered on 20.05.2019. The Respondent visited the site immediately. During the various site visits, it was observed that wiring of installation was incomplete, hence, the Respondent intimated by its letter dated 14.06.2019 to the Appellant with a request to complete the wiring. Instead of complying this request, the Appellant approached the grievance mechanism. The Respondent shown the photo taken by it on 04.11.2019 on mobile during the hearing, which confirmed the incomplete wiring. As per directions of the Forum for joint inspection on 16.11.2019, it was

  
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found that the wiring was complete in all respects. Accordingly, the Respondent released the connection on 19.11.2019. The Respondent referred the Regulation 4.10 of the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations) that the Respondent shall not be held responsible for the delay as there was a problem relating to statutory clearances of incomplete wiring which is beyond reasonable control of the Respondent. Hence, the representation of the Appellant be rejected.

7. Heard the parties. I perused the documents on record. The Respondent produced the photo dated 04.11.2019 on his mobile about the incomplete wiring. This photo was also shown to the Appellant. It is confirmed that wiring was incomplete. I also noted that the Appellant submitted the application for new connection along with the test report. When I questioned the Respondent that when its staff noticed that the wiring was not at all complete despite test report, why the case was not referred to the Electrical Inspector for appropriate action against the Licensed Electrical Contractor. On this the Appellant was spell bound and argued that the ground realities are totally different, and the lower staff are not co-operative. The premises wiring was completed only minor wirings in the meter box remained.

8. On the directions of the Forum, both the parties visited the site and subsequently the connection was released on 19.11.2019. 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 there was incomplete wiring and Appellant has carried out complete wiring of the installation in November 2019. Accordingly, the estimate was issued on 18.11.2019 and after payment, the connection was released on 19.11.2019.

9. The chronology of events in the case was required hence the Respondent was requested to submit the same as per Regulation 20 of the CGRF Regulations. The Respondent submitted the required data by email dated 17.01.2020. On perusing the same it is observed that the Respondent did not take any hearing in IGRC on the application of the Appellant dated

  
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04.07.2019. This is gross negligence on the part of IGRC and reflects badly on the part of the Respondent Licensee.


10. The Forum has rightly observed that from the date of application till the complete wiring of installation of the Appellant, the Respondent cannot be held accountable. The Regulation 4.10 of the SOP Regulations states as below: -

*“4.10 The Distribution Licensee shall not be held responsible for the delay, if any, in giving supply on account of problems relating to statutory clearances, right of way, acquisition of land or the delay in consumer’s obligation which is beyond the reasonable control of the Distribution Licensee.”*

After clearance of statutory formalities (in this case, the completion of wiring of the premises), the estimate was issued by the Respondent on 18.11.2019 and the connection was released on 19.11.2019. Therefore, there is no question of grant of any compensation. Hence, the prayer of the Appellant is rejected.

11. In view of the above, I do not find it necessary to interfere with the order of the Forum. The Representation is disposed of accordingly.

Sd/  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

