

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 176 of 2011

In the matter of
Complaint filed by Ladam Finance Ltd., Thane, under Section 142 of E.A. 2003,
against MSEDCL for non-compliance of the Order dated 04.11.2011, passed by
the Electricity Ombudsman, Mumbai

Shri V. P. Raja, Chairman
Shri Vijay L. Sonavane, Member

Ladam Finance Ltd.,
Ladam House, Opp. ITI, M Road,
WIE, Thane

...Complainant

V/s

Mahashtra State Electricity Distribution Co. Ltd.
Thru' Executive Engineer (R)-II, Kalyan

....Opponent

Present during the hearings:

For the Complainant: Nobody was present during the hearings.

For the Opponents: Shri A. K. Raidurg, E.E., MSEDCL, Kalyan(R)
Shri R. P. Dhande, Dy. E. E., MSEDCL, Kalyan(R)

ORDER

Dated: 22nd March, 2012

Ladam Finance Ltd., Thane, the Complainant, filed a complaint before the Commission on 7th December, 2011 against Maharashtra State Electricity Distribution Company Ltd. (MSEDCL), the Opponent, under Section 142 of Electricity Act, 2003 (EA 2003), alleging non-compliance of Order dated 4th November, 2011 passed by the Electricity Ombudsman (Mumbai) in the matter of non-release of new connection.

2. The prayers made by the Complainant are:
- “
- a) *This Petition may kindly be allowed under Section 142 of the E.A. 2003 and Respondent be directed to strict compliance of order dated 04/11/2011 passed by the Electricity Ombudsman in representation no. 121 of 2011.*
 - b) *The Respondent be directed to pay Rs.100/- per day fine amount from 04/12/2011 till compliance of order or (Quantum of fine amount which Hon'ble Commission may deem fit) for non-compliance of order dated 04/11/2011 passed by Electricity Ombudsman in representation no.121 of 2011.*
 - c) *Any other relief for which the Complainant is entitled may be granted.”*
3. The matter submitted by the Complainant, is as under:
- a) The Complainant, a finance and investment company (a public limited company as per Companies Act 1956), purchased plot survey no.202, Hissa no. 1, 2, 4, 8, 9 & 11 of village Vehloli, Tal. Shahpur, and plans to develop a residential complex.
 - b) Complainant applied to the Opponent, on 11th September, 2009 for a single phase 6kW load electricity connection for watch and ward purpose. The Opponent did not provide any connection to survey no. 202 despite there being no previous arrears pertaining to the premises.
 - c) The Opponent refused to give a new connection on the ground that the Complainant's sister concern, industrial unit of Ladam Steel Ltd (formerly known as M/s Ramakrishna Metal Works) on survey no. 201, which was permanently disconnected (**PD**) in 1998, had old dues. According to the Complainant, the Opponent has not taken any steps to recover the old arrears.
 - d) Aggrieved by the Opponent's action, the Complainant filed a grievance before CGRF, Kalyan Zone which passed an Order, dated 19th July, 2011 dismissing the Complainant's request for providing an electricity connection.
 - e) The Complainant filed a representation (no.121 of 2011) with the Electricity Ombudsman(Mumbai) on 19th September, 2011, contending that CGRF did not consider the definition of premises as per the Electricity Act, 2003, the MERC Supply Code Regulation 10.5 on the previous consumer's arrears and had dismissed its request without considering its documents. The Electricity Ombudsman(Mumbai) vide Order dated 4th November, 2011 set aside the Forum's Order and directed the Opponent to release a new connection to the Complainant in accordance with MERC Regulations. Compliance was to be intimated within 30 days of the said Order.
 - f) The Complainant contended that the Opponent was deliberately delaying in complying with the said Order till the date of filing the present complaint.
4. The Commission fixed a hearing in the matter vide notice dated 15th December, 2011, for 2nd January, 2012.

5. The Complainant informed the Commission vide letter dated 20th December, 2011 that it had received a letter, dated 17th December 2012 from the Opponent addressed to the Commission, in which the Opponent had expressed its willingness to comply with the Electricity Ombudsman's Order, and had agreed to provide a connection before 15th February, 2012. The Complainant had conveyed his acceptance of the proposal.
6. The Commission held two hearings in the matter, on 2nd January, 2012 and 15th February, 2012. During the first hearing, the Opponent pointed out that there were some site specific problems, due to which a 0.75km LT Line needed to be erected and submitted its preparedness to provide the connection by 15th February, 2012. The Opponent was directed to file an affidavit pertaining to its submission.
7. On 14th February, 2012, the Complainant submitted an affidavit that MSEDCL, Kalyan, had released a new connection on 24th January, 2012 and complied with the electricity Ombudsman's Order. Hence, there was no subsisting complaint.
8. During the second hearing in the matter held on 15th February, 2012 the Opponent submitted that it had already provided an electric connection to the Complainant, and had received a letter from the Complainant to that effect.

In view of the above, nothing survives in the matter.

Accordingly, Case no 176 of 2011 stands disposed of. No order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman