



BEFORE THE OMBUDSMAN

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

606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051
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REPRESENTATION NO. 26 OF 2005 **In the matter of Sanction of Additional Load**

M/s. Dream Tex (Unit), Bhiwandi..... Appellant
Versus
M.S.E.D.C.L., Bhiwandi..... Respondent

Present:

1. Shri W.G. Gorde, Ombudsman
2. Shri S. N. Yadwad, Secretary

On behalf of the Appellant:

1. Shri Farakh Khan
2. Shri M. M. Akhtar
3. Shri Pravin Thakkar

On behalf of the Respondent:

1. Shri S. B. Lipare
2. Shri R. K. Vatsalya

Date: 21st September, 2005

M/s. Dream Tex (Unit) [hereinafter called as the Appellant] located at House No. 1528, Rasolabad, Khoni, Dist. Thane is a consumer of Maharashtra State Electricity Distribution Co. Ltd., Bhiwandi. The Appellant has 12 H.P. as sanctioned load, which is used to operate his knitware industry and had applied for additional power of 10 H.P. to the Maharashtra State Electricity Distribution Co. Ltd., Bhiwandi (hereinafter called as Respondent) on 17th February, 2005. The said application is not yet sanctioned. The Appellant had approached the Consumer Grievance Redressal Forum with a request to direct the Respondent to sanction additional load as requested. The Forum considered the matter and issued the order dated 28th June, 2005 that the consumer should be sanctioned additional load only after augmentation of supply network wherever necessary. Being aggrieved with the order of the Forum, the Appellant filed its representation against the said order seeking redress in the matter.

2. In the representation, the Appellant says that he has already applied to Dy. Executive Engineer for additional load on 17th February, 2005 and also to the Executive Engineer. However, his application was turned down vide letter dated 16th May, 2005.

3. The Respondent filed its reply vide letter dated 17th August, 2005. The details of power supply position in Bhiwandi area are given in the reply and are on the same lines

as deposed by the Chief Engineer, M.S.E.D.C.L before the Forum. It says that there are 5 EHV sub stations with a total installed capacity of 500 MVA. The requirement of the area being 650 MVA., there is a shortage of around 150 MVA. It further says that out of 39 EHV feeders, some are express feeders for drinking water schemes, MIDC areas, which are, totally dedicated feeders for emergency services of society. Some feeders like MIDC and H.T consumers are still under loaded and can give supply to consumers on H.T side. The Respondent reiterated its stand, earlier taken before the Forum that since EHV sub stations are not commissioned and augmented, the time limit prescribed in the 'Standard of Performance' for giving electricity supply is not applicable. At present, sanction and release of 3 phase L.T. connections are stopped and only single-phase connections are considered.

4. The Respondent by its letter dated 13th September, 2005 reiterated its stand communicated earlier vide its submission filed on 8th September, 2005, in the matter of Representation No. 23 of 2005 of M/s. Pooja Textiles versus Maharashtra State Electricity Distribution Co. Ltd. No additional submission is made on behalf of the Respondent in the present case. The Respondent had taken the stand that since the sub stations need augmentation, the time limit for providing electricity supply, prescribed in the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period of giving Supply and determination of Compensation) Regulations, 2005, do not apply. The matter was heard on 14th September, 2005. The Appellant submitted a letter during the hearing explaining his stand while requesting sanction of additional load. It is mentioned that the unit is located on Khoni 1 Feeder of Kamba sub station. It is alleged that the Respondent has sanctioned new L.T. connections upto 18th August, 2005 and that the Respondent is avoiding to furnish the information on such sanctions.

5. To this, the Respondent was asked to comment on the location of Appellant's unit and the capacity of Khoni 1 Feeder on which the present application is expected to be considered. Representatives of the Respondent, strangely, could not give any information on the issues except to agree with the submission of the Appellant that the unit is located on Khoni 1 Feeder of Kamba sub station. Therefore, the issues whether this Feeder is over loaded or not and whether any new connections or additional load can be considered on this Feeder, are crucial to proceed with this case. The Respondent was directed to furnish this information by 19th September, 2005.

6. The Respondent furnished the information as required above on 19th September, 2005. The information is common for all the six cases now being considered in appeal before the Ombudsman against the order of Consumer Grievance Redressal Forum, Bhandup. It is seen that out of the six applicants, M/s. Dream Tex (Unit) and M/s. Imfa Tex are located on Katai 1 Feeder of Kamba sub station and not on Khoni 1 Feeder as reported earlier by both the parties. It is also evident from the submission that the Respondent has released 1 H.T. connection and 8 L.T. connections during the period from 27th May, 2005 to 29th June, 2005. Similarly, 17 new L.T. connections have been released on Chavendra Feeder of Padgha sub station from 15th January, 2005 to 29th June, 2005 where the other three applicant units namely, Renu Sharma, Vikas Textiles and

Savita Shama, whose appeals are being simultaneously considered are located. The argument of the Respondent, earlier, during the hearing that it has stopped granting and releasing new L.T. connections is, thus, devoid of any merit.

7. On going through the submissions of both the parties, the following issues arise in this case for consideration:

- a) Assuming, but not holding that there is a requirement of augmentation of distribution mains or commissioning of a new sub station, whether the time limits prescribed for granting connections in the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period of giving supply and determination of Compensation) Regulation, 2005, are applicable or not.
- b) Whether in this case, there is a requirement of augmentation of distribution mains or commissioning of a new sub station as claimed by the Respondent.

8. The issues framed above are exactly the same as those considered in the case of Representation No. 23 of 2005 of M/s. Pooja Textiles versus M.S.E.D.C.L., Bhiwandi. The said case was disposed off by the order dated 19th September, 2005 with the conclusion that the time limits prescribed in the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period of giving Supply and determination of Compensation) Regulations, 2005, do apply irrespective of whether the augmentation of the distribution mains and / or of the sub stations are required or not. Time limits for giving supply in such cases, would be as prescribed in the Regulations. It is, therefore, not possible to accept the stand of the Respondent regarding non applicability of the time limits prescribed in the Regulations in case of augmentation to the sub stations and / or to the Feeders.

9. The submissions made by the Respondent vide letter dated 19th September, 2005 indicate that both the Katai 1 and Chavendra Feeders of Kamba sub stations have exceeded the current rating. As such, the Feeders may require some augmentation. In that case, time limit for providing new connection / additional load would be three months instead of one month. The Respondent is required to consider the applications in accordance with the Regulations.

ORDER

1. The observations made by the Forum based on the Respondent's submission that the consumer should be given new connection only after the augmentation of supply network is not in accordance with the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period of giving Supply and determination of Compensation) Regulations, 2005. Therefore, the order of the Forum in this behalf is set aside.

2. The Respondent is directed to expeditiously decide the application of the Appellant for additional load in accordance with the provisions of the Electricity Act, 2003 and the M.E.R.C. (Standards of Performance of Distribution Licensees, Period of giving Supply and determination of Compensation) Regulations, 2005 and the M.E.R.C. (Electricity Supply Code and Other Conditions of Supply) Regulations 2005.
3. Compliance of the order should be reported within a period of 2 months.

Sd/
(W. G. GORDE)
Ombudsman

Sd/
(S. N. YADWAD)
Secretary