

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES  
RELIANCE INFRASTRUCTURE LIMITED**

1<sup>st</sup> Floor, Devidas Lane, Off. S.V.Road, Near Devidas Lane Telephone Exchange, Borivali (West),  
Mumbai – 400103.

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**Grievance Application No. 11/2017 Date : 19/01/2018**

**Mr. Krishna Laxman Tambde , 1<sup>st</sup> Floor, 179/1431, Motilal Nagar, Near Post Office,  
Goregaon (West), Mumbai – 400 062.**

**Application No.1022446191, Residential, Central Division**

**Krishna Laxman Tambde ..... Applicant / Complainant**

**Reliance Infrastructure Ltd. .... Respondent (Distribution Licensee/Utility)**

**Order of the Hearing dated. 16<sup>th</sup> March'2018**

**PRESENT**

1. Mr. Vilas S Dikshit,- Chairman
2. Mr. Rajiv Nakhare, Vice President (RInfra) - Member
3. Mr. Milind Gandbhir – Member , CPO

**On behalf of M/s. Reliance Infrastructure Limited**

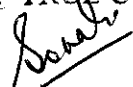
1. Mr. Mritunjay Jha, Dy.General Manager (Corporate Legal) Nodal Officer
2. Mr. Suresh Mahargude, Central Division

**On behalf of Applicant / Complainant**

1. Mr. Ashok Shah (Representative of the Consumer Mr.Krishna Laxman Tambde )

Being aggrieved by the order passed by IGR, the applicant filed the present grievance application before this Forum. The contention of the applicant in short is as follows:-

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**Contention of the Complainant / Applicant:**


1. That he is the resident of 1<sup>st</sup> Floor, 179/1431, Motilal Nagar, Near Post Office, Goregaon West, Mumbai 400 062 which is allotted to him by MHADA. This premises consists of Ground + 1<sup>st</sup> floor and First Floor has the separate entrance with kitchen..
2. The Ground Floor premises already has Residential meter connection under A/c. No. 10112952 and Meter No. LT(1)-B 8438553. He uses the electricity from this meter for his premises at ground floor as well first floor, the payment of which is regularly made.
3. The documents such as Aadhar Card, Ration Card, Election Identity Card etc for the above mentioned premises are common for Ground Floor and 1<sup>st</sup> Floor premises.
4. As the Applicant / Complainant desired to give the 1<sup>st</sup> floor premises on rental to get extra income for meeting his expenses, on 24.07.2017 he applied in Reliance Infrastructure Ltd. for separate residential meter connection in his name for his 1<sup>st</sup> floor premises by taping connection vide Application No. 1022446191 with the above stated documents as those are common for ground floor and 1<sup>st</sup> floor of his premises.
5. Further to his application, he received letter from RInfra dated 29.07.2017 vide letter no. CZ/CP-328/SM/2017 stating that the documents submitted for applied premises are not matching and electrical connection is already given in his name under A/c. No. 101124952 and meter no. 8438553.

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6. He had replied vide his letter No.2/55 dated 18.09.2017 to the said letter of Rlnfra dated 29.07.2017 stating that the meter connection given is for the ground floor and the application submitted by him is for his 1<sup>st</sup> floor premises as the premises consisting ground floor and 1<sup>st</sup> floor which is having separate entrances and separate kitchen and he also mentioned in the letter that the documents submitted by him is common for ground floor and 1<sup>st</sup> floor and both are in his name and in his possession and that he is paying the rent regularly to MHADA.
7. The Applicant / Complainant, further alleged that Rlnfra demanded separate documents such as Rent Receipts issued by MHADA, Ration Card of 1<sup>st</sup> Floor, for providing new meter connection by taping for the 1<sup>st</sup> floor.
8. In the IGR hearing dtd.28/12/2017 , which was attended by Applicant's / Complainant's representative Mr.Ashok Shah , it was informed that he has to submit the fresh application for the 1<sup>st</sup> floor premises along with the relevant documents i.e. MHADA transfer letter, MHADA rent receipt and Ration Card for first floor in the Applicant's / Complainant's name.
9. Further, that MHADA has not objected for giving electric meter connection separately for 1<sup>st</sup> floor and will not issue separate Rent Receipt, transfer letter etc for 1<sup>st</sup> floor as the same is common for ground and first floor.
10. In short, it is the contention of the Applicant / Complainant that the utility-Rlnfra should release the estimate on the application of first floor of the above premises which has already submitted by him to the Utility-Rlnfra and give meter connection immediately without demanding separate Transfer letter, Rent Receipt of MHADA for 1<sup>st</sup> floor, Ration Card for 1<sup>st</sup> floor as MHADA has allotted the premises in Applicant's / Complainant's name which consists ground floor and first floor. Also, the Rent Receipt and other documents are common for ground floor and first floor of his premises, which have separate entrances and separate kitchens. He has sought for compensation.

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**Nodal Officer's Contention on behalf of Respondent Licensee Rlnfra:**


1. The Nodal Officer filed a reply. He alleged that the Applicant / Complainant has no locus standi to file the present grievance as he is not a registered customer as per the definition of consumer under *Section 2 (15) of Electricity Act 2003* . He also contended that the Applicant / Complainant has not approached this Forum with clean hand and is concealing the material facts and misleading the Forum.
2. The main contention of the Nodal Officer is that Section 43 of the Electricity Act, 2003 (the EA'03) casts obligation on the Distribution Licensee to provide electric connection to the owner or occupier of any premises only in such conditions when the applicant submits the application in complete in all respects.

Further the regulation 4 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 (the Supply Code, 05) relates to the Application for supply, second proviso of regulations 4.1 (VII) stipulates as under:

*"Provided further that for consumers falling under the domestic tariff category, a copy of any one of the following documents, namely (i) ration card; (ii) photo-pass; (iii) voter's card; (iv) passport; (v) documents pertaining to occupation of premises, may be required at the time of processing of the application"*

It is submitted that the above provisions of the EA,03 and the Supply Code,05 clearly stipulates that the applicant should submit an application complete in all forms and

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there is requirement of documents pertaining to occupation of premises at the time of processing the application.

3. The Nodal Officer relied on 'Regulation 4' of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 (the Supply Code, 05) which relates to the Application for supply, second proviso of regulations 4.1 (VII) stipulates as under:

*"Provided further that for consumers falling under the domestic tariff category, a copy of any one of the following documents, namely (i) ration card; (ii) photo-pass; (iii) voter's card; (iv) passport; (v) documents pertaining to occupation of premises, may be required at the time of processing of the application"*

Hence, it is submitted by the Nodal Officer that the above provisions of the Electricity Act, 2003 and the Supply Code, 05 clearly stipulates that the Applicant should submit an application complete in all forms and there is requirement of documents pertaining to occupation of premises at the time of processing the application.

4. It is further stated by the Nodal Officer, RInfra that the Respondent Utility RInfra submitted that an electric connection to the premises of the Applicant / Complainant at ground floor having CA No 152463923 has already been given. Now the Applicant / Complainant has applied for the new electric connection for the first floor of the premises but he has not submitted any documents which indicates that it is separate premises and / or to show the occupancy of the same. It is also submitted that the Respondent Utility RInfra vide it's letter dated 29/07/2017 has informed the

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Applicant / Complainant that the documents do not match with the applied premises and a connection has already installed under the name of Krishna L Tambde. In his letter dated 18/10/2017 the Applicant / Complainant himself has admitted that he is using the electric supply for ground floor as well as first floor.

5. It is also the contention of the Nodal Officer that instead of complying with the requisite formality of getting the electric connection in accordance with Electricity Act'2003 and the Supply Code, 05, the Applicant / Complainant has filed the grievance before the IGRC and now before this Hon'ble Authority and trying to mislead to claim wrongful compensation from the Respondent.
6. The Nodal Officer further stated that the Respondent Utility RInfra submitted that hearing / meeting was conducted before the IGR Cell. In the said meeting the Complainant admitted that he does not have documents for the first floor. After hearing both the parties and by perusing the documents shown and referred by the parties and after careful consideration of all the facts and submissions in it's minutes of the meeting IGR Cell informed the Complainant to submit the fresh application along with relevant documents i.e. MHADA transfer letter, MHADA rent receipt and ration card for the first floor in the name of applicant as per the provision of the Supply Code,05.
7. The Nodal Officer further stated that the Respondent submitted that there is no delay on part of the Respondent in any way as alleged by the Complainant and hence the demand of penalty or compensation as claimed does not arise and do not sustain.
8. It is the submission of the Nodal Officer , Utility RInfra that the Respondent has acted in accordance with the Electricity Act, 2003 and regulations framed there

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under and there is no any delay on part of the Respondent as alleged by the Complainant or at all.

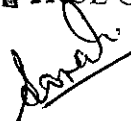
9. Under these circumstances, the Nodal Officer prayed to dismiss the application of the Applicant / Complainant.

Heard the applicant, his Representative as well as the Nodal Officer .

Admittedly, the Applicant / Complainant had moved an application for an electric meter for the 1<sup>st</sup> floor of his house/premises situated at 179/1431, Motilal Nagar, Near Post Office, Goregaon (West), Mumbai – 400 062.

1. It is also admitted that the electric meter has already provided for the entire structure prior to the year 1992.
2. From the submission made before us, it appears that the Applicant / Complainant has made a fresh application on 24/07/2017 for the first floor of his house/premises mentioned above. Thereafter, the Utility-RInfra sent him a letter and asked him to file/produce required documents with respect to the first floor of his premises mentioned above as the Applicant / Complainant wanted electric supply for the 1<sup>st</sup> floor. It also appears that the Applicant / Complainant, thereafter, wrote one letter to the Utility-RInfra on 18/09/2017 i.e. more than a month without submitting the necessary documentation intimated to him vide earlier letter.
3. The Nodal Officer drew our attention towards explanation to Section 43 of Electricity Act, 2003 which deals with Duty to Supply on Request.

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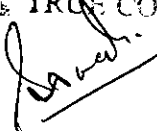
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4. Explanation to Section 43 of Electricity Act, 2003 reads as follows :

*For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, alongwith documents showing payment of necessary charges and other compliances.*

In view of this, the Nodal Officer submitted that the application for the new connection should be complete in all respects including filing of the necessary documents. According to the Nodal Officer, when the application was not complete in all respects, it gets automatically cancelled and as such there was no reason to give the new connection to the 1<sup>st</sup> floor of the Applicant / Complainant.

5. During the course of hearing, the representative of the Applicant / Complainant drew our attention to the provision 'C' of the Policy of New Connection-General Unit. In view of this, the Nodal Officer replied that this is with respect to the internal policy of the Company. It is also the contention of the Nodal Officer that the particular provision is with respect to the structure situated in the slum area and admittedly the present structure is not a slum. We have carefully gone through the said provision and we feel that this provision is not going to help the Applicant / Complainant because it speaks about the documents required for the 1<sup>st</sup> floor if new electric connection is required. Moreover the present structure is not situated in the slum. The Nodal Officer submitted that as this document pertains to the internal policy of the Company , it can not be relied upon by the Applicant / Complainant . So far as the policy of New Connection is concerned, it was not relied upon at the time of hearing of IGRC. Further the Nodal Officer also submitted that it was not submitted during the hearing before IGRC. We do not find any substance in the submission of the Nodal Officer because the Representative of the Applicant / Complainant drew our attention to this provision/policy.

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6. The Applicant / Complainant also prayed to award the compensation of Rs.1,000/- per day. This Forum feels that the question of paying the compensation will not arise as the application submitted by the Applicant / Complainant was not complete in view of the explanation and proviso to Section 43 of The Electricity Act, 2003.

In view of the above observations, we feel that the present Application is devoid of merits and deserved to be dismissed.

Hence, the following Order is passed.

**ORDER**

1. The application stands dismissed.
2. No order as to cost.

**Dated : 16<sup>th</sup> March'2018.**  
MIDC, Mumbai

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*sd/-*

Vilas S Dikshit  
Chairman – CGRF

*sd/-*

Rajiv Nakhare  
Member – CGRF

*sd/-*

Milind Gandbhir  
Member (CPO) – CGRF