

**OFFICE OF
THE ELECTRICITY OMBUDSMAN
ASSAM ELECTRICITY REGULATORY COMMISSION**

FILE NO. EOM. 41/2020

Petition No.: 3/2020

Name of Petitioner: Dr. Ganesh Chandra Das,
House No. A-4, Arya Smart Living, Abhoypur,
P.O.: College Nagar, P.S.: Changsari,
District- Kamrup (Rural),
PIN-781031

ORDER SHEET

17.02.2021

This is an appeal petition against the judgment and order dated 19.10.2020 of the Consumer Grievance Redressal Forum, Guwahati in CP case No. 6/2020. The case of the appellant here is that he purchased a low rise apartment Villa No. A-6 of the real estate project the Arya Smart Living at Abhoypur, North Guwahati executed by the builder M/s. Arya Erectors India (P) Ltd. Possession of the Villa was handed over to the appellant vide possession Certificate dated 28.11.2019 although Sale Deed between the appellant and the builder is still pending for execution as submitted.

Power was supplied to the aforesaid real estate project by APDCL against the sanctioned load of 850 KW under HT Domestic category. Approval for sanctioned load of 850 KW under HT domestic category was accorded in favour of the builder by APDCL vide letter No. CGM (D)/APDCL(LR)/Arya Erectors India/2016-17 dated 28th December, 2016 requiring installation of 2x 500 KVA transformers. Approval for sanctioned load of 850 KW was further revalidated by APDCL vide letter No. CGM(D)/APDCL(LAR)/Arya Erectors India/2016-17/8 dated 21.05.2018. On the basis of the builder's application dated 02.07.2018 for allotment of individual meters to 123 low rise apartments including Villa A-6 (not sold) of Arya Smart Living an energy meter No. X0753075 against consumer ID 021000031802 was allotted to the Villa A-6 for 11 KW against the sanctioned load of 850 KW for the entire project. Pre-paid meter activation was done by the appellant vide APDCL/15-16/misc AMEC date 28.06.2019.

The appellant claims that the actual requirement of load for the entire real estate project the Arya Smart Living at Abhoypur, North Guwahati is 2206 KW as against the current sanctioned load of 850 KW. He further submits that against this sanctioned load of 850 KW which is based on the load determination report of Priya Electricals, a registered electrical contractor of APDCL the requirement of load for the same project as per load determination report of New Jyoti Electricals another registered electrical contractor of APDCL is 2067.60 KW with individual load requirement for Villa A-6 determined as 27.09 KW.

On perusal of the appeal petition and the materials available on record it becomes clear that the basic complaint of the appellant here is that the requirement of load for Villa A-6 is more than 11 KW as currently allotted out of the total sanctioned load of 850 KW for the entire project. The appellant vide his application dated 27.10.2020 approached the

APDCL for increase in load for Villa A-6. In this letter of his, it is stated that the appellant who had purchased one Villa A-6 from Arya Erectors India Pvt. Ltd. had been provided 11KVA electricity by the builder company as the primary consumer. It further says that presently 11 KVA is not sufficient electricity for his house and its requirement as per assessment done by New Jyoti Electricals is 27 KVA electricity. The appellant requested the authority concerned to increase the load to 22 KVA.

In reply to the above letter the Sub-Divisional Engineer, Amingaon Electrical Sub-Division, APDCL vide his letter No. SDE/AESD/APDCL/LAR/MISC/2020/463 dated 19.11.2020 informed the appellant that load extension from 11 KW to 22 KVA cannot be processed for the reason that the transformer capacity is of 1000 KVA and 850 KW of connected load is already allotted to the flats and villas by the builder and so load extension from the dedicated transformer is not possible unless the transformer is augmented and increase in the load sanctioned. Also NOC from society or NOC from the builder if the apartment is not handed over to society is necessary.

As submitted by the appellant the real estate project of the builder was based on building construction permission issued by GMDA vide No Objection Certificate No. GMDA/BP/2214/26112012/156 dated 24th June, 2013. As per sanctioned drawing plan approved by GMDA 3 no. of transformers - 1000 KVA, 1250 KVA and 1250 KVA had to be installed by the builder. He further submits that as per the terms of the Agreement for Sale dated 27th August, 2018 the builder has responsibility to provide requisite electricity connection to the appellant in respect of Villa A-6.

Thus, requisite electricity connection to Villa A-6 is the core of the appellant's complaint in the appeal. From the letter of the SDE, APDCL, Amingaon above it is, however, seen that unless action as suggested in his letter which surely entails costs is taken increase in power load for Villa-6 cannot be considered at the present stage of arrangement made there. The matter falling in the realm of real estate does not come within the jurisdiction of this office and the appeal is therefore not admissible and hence dismissed.

The appeal petition is accordingly disposed of.

Sd/-
Electricity Ombudsman