

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.**

Case No. CGRF / AZ / AUR / R / 594 / 2016 / 25

Registration No. 2016090001

Date of Admission 31.08.2016

Date of Decision 09.11.2016

M/s. Flexible Abrasives Pvt. Ltd.,
Plot No. B-20/2, MIDC, Shendra,
Aurangabad 431 001.

COMPLAINANT

VERSUS.

The Executive Engineer(Admn),
Nodal Officer,
O/O Superintending Engineer,
MSEDCL, Rural Circle,
Aurangabad

RESPONDENT

CORAM

Shri Dr.Bhaskar G. Palwe

Chairman

Shri Uttam M. Urkude,

Member/Secretary

Shri Vilaschandra S.Kabra

Member.

CONSUMER GRIEVANCES REDRESSAL DECISION

The Complainant , M/s. Flexible Abrasives Pvt. Ltd., Plot No. B-20/2, MIDC, Shendra, Aurangabad 431001 (Consumer No. 490539043790) has filed a complaint on 31.08.2016 against the Executive Engineer(Admn), MSEDCL, Rural Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulation 2006 in Schedule 'A'.

The brief details of the complaint are as under.

On payment of demand charges of Rs. 157715/- and after procurement, installation and completion of 11 KV metering cubicle and allied works by the complainant, 11KV HT connection was released to the factory in October 2011. The 11 KV metering is required to be supplied by MSEDCL, the complainant vide his letter dated 30.12.2011, requested to refund the amount of Rs. 202277/- spent towards 11 KV metering cubicle and allied works. The complainant made a follow up with the Superintending Engineer, MSEDCL, Rural Circle, Aurangabad. However the complainant did not received any reply. The complainant filed his grievance before Internal Grievance Redressal Cell of Respondent on 06.06.2016. However, IGRC dismissed the grievance on 28.06.2016 without going into details of MERC Regulations and the Provisions of Electricity Act 2003.

In view of the above complainant has prayed as under.

- 1) The grievance petition may be allowed.
- 2) The order passed by the IGRC may be quashed.
- 3) The respondent may be directed to refund excess amount of Rs. 13050/- paid towards service connection charges, Rs. 3000/- paid towards testing of meter and Rs. 70940/- paid towards metering cubicle alongwith interest at the rate of 9% from October 2011 till actual date of refund.
- 4) The respondent may be directed to pay Rs. 10000/- for not taking cognizance of orders passed by MERC and their own circulars.

**Say of Executive Engineer(Admn), Nodal Officer, MSEDCL
O&M Rural Circle, Aurangabad – Respondent**

- 1) The new prayer has been made by applicant for refund of Rs. 13050/- towards service connection charges. As per MERC order dated 08.09.2006 on Schedule of charges and MSEDCL Commercial Circular No. 43, the service connection charges are not refundable.
- 2) The new prayer has been made by the complainant for refund of Rs. 3000/- towards meter testing charges before the CGRF which is not made before IGRC.
- 3) The new prayer has been made by the applicant for refund of Rs. 70960/- towards 11 KV metering cubicle charges which is not made before IGRC.
- 4) In the present case MSEDCL allows the consumer to carry out the work through licensed Electrical Contractor. Therefore, MSEDCL claims from the consumer only 1.3 % normal charges. As per applicant consent letter on Rs. 100/- Bond paper alongwith A-1 Form and as per MSEDCL's 1.3% DDF Scheme. The applicant is not liable for refund of said amount.
- 5) The new prayer has been made by the applicant for refund of Security Deposit of Rs. 10000/- towards release of construction meter on 10.02.2011 before Hon. CGRF which is not made before IGRC. The applicant has not submitted application towards refund of Security Deposit till date.

The Hon'ble CGRF therefore may dismiss the complaint.

Observation of the Consumer Grievance Redressal Forum.

- 1) The Complainant has requested for refund of cost of Cubicle Meters & Service Connection charges to Respondent vide letter dated 30.09.2015 followed by three reminder letters dated 23.12.2015, 09.02.2016 & 27.02.2016 but Respondent has not refunded the same amount. As per MERC order dated 08.09.2006 (In case No. 70/2005) and MSEDCL Circular No. 43 dated 27.09.2016 and Circular No. 34307 dated 03.09.2007, the cost of metering cubicle if provided by the consumer is required to be refunded to the respective consumer & therefore the cost of metering cubicle Rs. 70960/- is required to be refunded.
- 2) Refund of Excess Service connection charges (Rs. 14805/-) The respondent has collected Rs. 15000/- towards service connection charges. As per MERC Order and as the work is carried out under 1.3% supervision charges scheme, the respondent is required to collect only 1.3% normative charges i.e. Rs. 195/-. The excess amount of Rs. 14805/- (15000 – 195) is required to be refunded.
- 3) Refund of testing charges for meter Rs. 3000/-. Since, the HT connection released by Respondent is new fresh, as per MERC regulations no testing charges are required to be paid by the consumer. The amount of Rs. 3000/- is therefore required to be refunded.

- 4) The complainant has paid a Security Deposit of Rs. 10000/- towards release of construction meter on 10.02.2011 which is still not refunded.

In view of the submissions made by complainant, Respondent and observations, the Forum passed the following order.

ORDER

- 1) The grievance petition is allowed.
- 2) The order passed by the IGRC is quashed and set aside..
- 3) MSEDCL is directed to refund excess amount of Rs. 14805/- paid towards service connection charges, Rs. 3000/- paid towards meter testing charges and Rs. 70960/- paid towards cubicle metering alongwith interest at the bank rate as stipulated under section 62(5) of the Electricity Act 2003 from October 2011 till the date of refund.
- 4) M/s. MSEDCL shall refund Rs. 10000/- as Security Deposit towards release of construction meter on 10.02.2011, after observing all the rules & regulations of MSEDCL.

- 5) For deficiency in service on the part of distribution licensee by concerned officer for refund of cost of Cubicle and S.C. charges, Forum is directed to distribution licensee to pay the compensation of Rs. 2000/- for harassment by recovering from concerned and to take disciplinary action against him.
- 6) The compliance of the order shall be communicated within 30 days.

Sd/-
Dr.Bhaskar G. Palwe
Chairman

Sd/-
Uttam M. Urkude
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member