

Date of Admission. 25.09.2013.
Date of decision. 20. 11 .2013.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.

Case No. CGRF /AZ/U/468/2013/52

To,

- 1 M/s Cosmo Films Ltd,
Plot No. B 14,MIDC,
Waluj, Aurangabad.

COMPLAINANT.

VERSUS.

1. Executive Engineer,(Adm.)
Nodal Officer,
O&M Urban Circle,
MSEDCL, AURANGABAD.
2. M/s GTL LTD.T-9 IT Park,
MIDC, Chikalhana,
Aurangabad.

RESPONDENT.

CORAM:

Shri V.S.Kabra Member.

Shri S.K.Narwade Member/Secretary.

REDRESSAL - DECISION.

The complainant is a consumer of MSEDCL and has taken 33KV supply for his factory situated at MIDC Waluj Aurangabad in the year 1988. The consumer number allotted by respondents bears number 490019004195.

The complainant submits that in view of expansion, he submitted application for enhancement of contract demand from 7000 KVA to 9500KV which was sanction by Respondent No. 1 MSEDCL After payment of charges and completion of all other formalities, the additional demand was released by Respondent No. 2 GTL on 14.01.2012

The complainant further submit that as a new plot at MIDC shendra was allotted to the complainant by MIDC authorities, it was decided to shift part of the expansion to MIDC Shendra plant. Therefore the complainant submitted an application for reduction in contract demand from 9500KVA to 8700KVA to Respondent No. 2 GTL on 12.07.2012.

The complainant wish to bring to kind notice of Hon'ble forum that MERC has laid down Regulations Known as (Standards of performance for Distribution Licensees, period of giving supply and Determination of compensation) Regulations 2005. All the Distribution Licensees within state of Maharashtra is required to follow the said Regulations. It alternatively means that Respondents No.1 MSEDCL and its appointed franchisees are also required to follow the said Regulations.

The complainant submits that MERC Regulations 2005, Appendix 7(ii) which relates to sanction of load reduction and penalty on failure.

The complainant wish to bring to kind notice of Hon'ble forum that he has submitted application for reduction in contract demand on 12/7/12 and as per above provision in MERC Regulations, Respondent No.2 GTL were required to process and give effect of load reduction from 2nd billing cycle, i.e. from August 2012.

Since no cognizance of the application dt. 12/7/12 was taken by Respondent No. 2, The complainant submitted three numbers of reminder letters i.e. on 4/8/12,20/7/12 and 27/8/12 and Requested respondent No.2 GTL to give effect of reduction in contract demand from August 2012.

The complainant further wish to bring to notice of Hon'ble forum that in spite of clear directives in above referred MERC Regulations, in view to delay the sanction, Respondent no2.GTL Vide its letter dt. 2/9/12 referred the matter to Respondent no.1MSEDCL for seeking directives.

It is further submitted that, on receipt of letter dt. 6/9/12 from Respondent No.1 MSEDCL The complainant again submitted his representation on dt 8/9/2012 to both Respondents and once again requested to give effect of reduction in contract demand from August 2012.

The complainant submits that, after constant pursuance, Respondent No.2 GTL finally issued load sanction letter on 28/9/12,i.e. after period of two months. Even after release of said sanction letter, Respondent No.2 GTL further deliberately delayed and intentionally avoided to complete other formalities like execution of agreement & giving effect of load factor incentive in the bills.

Since after observing that Respondent No.2 GTL on one or other pretext were intentionally avoiding to execute agreement, the complainant again submitted two reminder letters on dt. 16/11/12 and 4/12/12 and brought this facts to the notice of Respondent No. 1MSEDCL and also to the Chief Engineer of Aurangabad Zone.

On receipt of complainants letter dt 4/12/12 Respondent No. 1 MSEDCL once again directed Respondent No.2 GTL vide its letter dt.12/12/12 to take necessary action in this matter.

The complainant wish to bring to kind notice of Hon'ble forum that in spite of constant pursuance, Respondent No2 did not pay any heed and continued to avoid in giving effect of load factor incentive. The complainant therefore contacted Chief Engineer of MSEDCL and brought all this facts to his notice vide his letter dt 17/12/12

The complainant further wish to bring kind notice of forum that provision of giving load factor incentives was provided by Hon'ble MERC to Industrial consumers who maintain their load factor above 75% prior to the application of reduction in contract demand the complainant has maintained his load factor above 75% and has availed load factor incentives through regular monthly bills.

The complainant is herewith submitting details of load factor incentives calculated by Respondent from July 12 to Dec.2012, The month from which the KVA was taken as 8700 for calculation of Load factor incentive.

Month	L.F.calculated as Per 8500 KVA	L.F. as per 8700 KVA
July 2012	78	-
August 2012	74	81
Sept. 2012	78	87
Oct.2012	82	87
Nov. 2012	78	88
Dec. 2012	77	
Dec. 2012 (Revise bill)	84	84

The load Factor is calculated as per MERC tariff order as

Load Factor = consumption during month in MU

C.D. (KVA) X Actual P.F. x total No. of hrs in month

Therefore Respondent No.2 GTL may be directed to re calculate incentive amount towards Load factor and also towards prompt payment discount from August 12 onwards and to give the credit of same along with 18% interest.

Respondent No.2GTL may be directed to pay Rs. (100x 16) 1600/- towards compensation for not following MERC SOP Regulations 2005 and Rs. 25000/- towards mental harassment.

The Respondent GTL Submitted That, The appellant is having HT connection (consumer no 490019004195 an additional load of 2500 KVA at 33 KVA level totaling the contract demand to 9500KVA was released on 14/1/2012 after executing the load enhancement agreement

The appellant had applied for reduction in load within a period of six months (11/7/2012) from the date of release of additional load. The matter was referred to Nodal office MSEDCL vide letter GTL ADF/HT 419 / Tech 1002 dated 1/09/2012 Upon which Nodal office MSEDCL Aurangabad has given directives to answering respondent vide letter SE/ABAD/NODAL OFFICE/Tech/2430 Dated 06/09/2012 following those directives the answering respondent vide letter no GTL/ADF/HT 1706/REDLD? 12-13/16/731 dated 28/9/2012 issued load sanction for reduction of load. The appellant made payment of necessary charges on 3/10/2012 further the agreement was

executed on 25/10/2012 and test report was received on 10/11/2012 and the release order for reduction in load is given in the bill of November 2012.

Regarding the allegation by the appellant that answering respondent has deliberately delayed and intentionally avoided the process of agreement the answering respondent submits that the decision taken by the board of directors of M/s Cosmo films limited for authorized signatory to execute the agreement was resolved in board meeting held on 12/10/2012 A copy of board resolution is annexed herewith as Exhibit A. After receipt of resolution copy of the agreement was executed on the same day i.e. 25/10/2012

Moreover, the test report regarding load details and installation was submitted by appellant on 10/11/2012. The answering respondent issued the release order on the same day and reduction of load was effected in the bill of December2012.

It is pertinent to note her that, for effecting any change in load of the consumer test report and agreement are mandatory documents It is crystal clear from the receipt date of test report and board resolution date that the delay in furnishing mandatory documents are from appellants side.

It is the deliberate effort on appellant's side to show GTL is causing delay in procedural aspects. Ironically, delay is on the part of appellant itself as it has failed to submit the mandatory documents within time.

In light of this it is prayed that the petition of consumer may kindly be dismissed being frivolous, vexatious and without any merit.

The forum heard both the parties pursued the documents submitted by complainant and respondent GTL. It is true that, the complainant has applied for load reduction on 12/07/2012 and also followed repeatedly with both the respondents. The respondent GTL accorded sanction for load reduction on 28/09/2012 after receipt of directives dated 06/09/2012 from MSEDCL. Accordingly the complainant has paid required charges on 25/10/2012 and agreement is executed on the same day between both parties in absence of test report .The test report is submitted on 10/11/2012 as submitted by respondent GTL in their reply. The test is mandatory for execution of agreement as said in reply of GTL is contradictory. The test report placed before forum is verified and it is seen that, the date of test report is 12/07/2012. Therefore this forum comes to conclusion that, the installation was ready for reduced load from date of test report i.e.12/07/2012 and complainant has followed for reduction of repeatedly by reminders. The forum is in the opinion that, the respondent delayed for giving effect of load reduction as per MERC provision thereby deficiency in service. Therefore the complaint is allowed and forum proceeds to pass following order.

ORDER

1. The respondent no.2 GTL to give effect of load factor incentive and prompt payment discount from Aug2012 to Nov2012.
2. The respondent to pay Rs.1600/- for non following MERC SOP.

(S.K.Narwade.)
Member/Secretary

(V.S. Kabra.)
Member