

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315
25624316
25624322

Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078□

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/

Date :

To

The Nodal Officer & *Executive Engineer (Office)*
Consumer Grievance Internal Redressal Unit,
Office of the Superintending Engineer,
O & M Circle, MSEDCL., **THANE**.

SUB : Requirement of information regarding
the case No. 108. of WWIL of Goregaon.
REF : Consumer's rejoinder letter No. 1 of ,
dtd. 02/03/2007 (copy enclosed).

With reference to the above, you are requested to provide the information required by letter given by Shri Ravi Anand, regarding the case No. 108 of CGRF. The above information should be provided at the earliest to Shri Ravi Anand under intimation to this office.

This is for immediate action please.

Encl : as above

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 108

Hearing Dt. / /2007

In the matter of giving Additional Power load

M/s. Whistling Woods International Ltd., Bhandup

- Appellant

Vs.

Superintending Engineer, MSEDCL, Thane Circle

- Respondent

Present during the hearing

A - On the behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On the behalf of Appellant

- 1) Representatives of Electricity Consumers Association.

C - On the behalf of Respondent

- 1) Shri Mashalkar, E.E. & Nodal Officer, Thane Circle
- 2) Shri Bhatkar, E.E., Bhandup Divn., Bhandup.

Preamble:

The appellant submitted this application on 22nd January 2007 directly and was registered with this Forum on 22/01/2007. It was directly accepted because, the Internal Grievance Forum, Thane works under respondent the Superintending

Engineer, MSEDCL, Thane, who had sanctioned initial power load directly and it cannot give an impartial decision.

The applicant was first heard on 26/02/2007 when both the parties were present. Just on the day of receipt of application, point wise remarks were called for from the utility. It submitted its reply which was received on 06/02/2007 which was sent to the consumer representative immediately, which responded in its written reply on 09/03/2007 (submitted during the second hearing).

Again, the applicant sent a rejoinder to its original application on 21/03/2007 and the pleas against the utility submitted by it. An exercise of obtaining the reply from the utility was done on this.

Consumer applicant's say in brief is that his company having State Govt. participation has set up a huge international school at Film city, Goregaon, Mumbai. It requires 1550 kW connected load and CD 989 kVA. The respondent sanctioned it in time bound order in three phases. The first phase of 300 kW was released on

and next two installments releases were still due and over delayed. The utility has asked the consumer to bear first the estimated cost of augmentation of supply line at Rs. 37.83 lacks so that the consumer can get the entire power requirement.

For the third time the consumer approached the Forum with a request to see the site particularly with reference to show:

- a)** Existing line to be augmented by the utility at the estimate cost of Rs. 37.83 lacks to be bored entirely by the consumer.
- b)** This proposed infrastructural augmentation (costing Rs. 37.83) was to benefit may more incoming consumers to the utility and not merely, the present existing consumer. The demand of the utility is thus highly unjust and unreasonable.

c) The utility should in accordance with the provision under 3.3 of Electricity supply code and other conditions of supply. Regulations 2005 perform its duties to augment its infrastructure at its own cost without insisting upon the applicant consumer to bear the cost of Rs. 37.83 lacs.

d) The utility must act accordingly to the provision of SOP else be penalised according to the provisions made.

The visit to the site on _____ at the insistence of the consumer's representation also reiterated above points. The proposal estimate of Rs. 37.83 lacs involves existing power line to 4 km augmentation. The consumer wants the balance sanctioned load from the nearest point within a reach of about 1000 mtrs. from his premises. This premise is having a huge set up of international school relating to training in Film Industry related activities. The set up consists of all model electronic equipment and studios, amply theaters etc. He cannot complete the time bound schedule of activities for want of entire sanctioned load. The proposed augmentation of the existing infrastructure will benefit many new incoming HT consumers and hence it is unjust to recover entire estimated amount from the applicant above. Further, it is stated that the utility's orders on ORC are not valid since not yet approved by MERC

The say of the utility :

Shri Mashalkar, E.E. (S.E.'s Office, Thane) and Shri Bhatkar, E.E., Bhandup are represented the utility. They attended both the hearing as also submitted point wise replies very promptly as the point raised by the consumer's two rejoinders. The consumer received them promptly along with other required information such as line diagram etc. Their say is summed as below :

- 1) The consumer was given the load as per sanction for the first phase from the existing load available on the line. Now further sanctioned load cannot be given unless the line is augmented since its capacity is exhausted. There is no adequate load available near the premises of the applicant.
- 2) The estimate of Rs. 37.83 lacks is prepared for existing line of 4 kms and the whole line having underground and overhead line has to be augmented at a time.
- 3) The consumer by way of agreement duly signed with utility had agreed to take him under ORC scheme prevailing when the first phase load sanctioned for getting required load speedily. He cannot be covered under raised regulations of MERC effective from 08/09/2006 since he is a consumer existing prior to that. As regards legality of utility's existing circular about ORC as alleged by the applicant, it is clarified that it is a waiting MERC's Regulations of 2005 will prevail.
- 4) As regard time taken of one year for actually releasing first phase load of 300 kVA. it is not the fault of utility but the consumer look considerable time to fulfill the perceived conditions embodied in the load sanction order.
- 5) While accepting the load sanction order, the consumer had executed an agreement with the utility agreeing to bear the cost of augmentation. It is true that entire area of 4 kms is to be augmented since it cannot be bifurcated. The area is prior is Film city (where the consumer is located) where the augmentation is proposed. It does not have other HT consumers and there is no demand application from any new coming consumer.
- 6) After augmentation, the percentage of benefit to the applicant is more than 25% exactly p.c.

Observations :

- 1) Utility had got a binding agreement and consent letter from it before sanction of the total load.
- 2) The application of sanction of total load in three phase was embodied in the order/agreement. It was initiated by the applicant. There were frequent discussions, site visit jointly by the utility including the Chief Engineer of the region. All this was enough to justify the demand for estimated charges for the proposed augmentation. The consumer is having an option to have for himself an enhanced loaded dedicated power line which he did not avail of
- 3) Since there is no possibility to avail of existing feeder at film city being exhausted to its capacity, the augmentation of the system is absolutely recovery.
- 4) The system needs augmentation from its inception of HT supply from NITIE sub-station as per sanction estimates kms the utility charging Rs. 37.83 lacks + R.I. charges as applicable entirely as this consumer alone is unjust as though the applicant is at present single but in future there could be further increase of consumers.
- 5) In view of (4) above, the utility should charge to the applicant, the charges of augmentation in proportion to the benefits of sanctioned load works be in a fair interest.
- 6) It is true that the applicant in a distress executed an agreement under ORC. He therefore needs immediate peak load bearing the whole cost of augmentation do not bear any reasoning.
- 7) For implementing the suggestion made in the para 4 above the following formula is suggested to bear the cost of Rs. 37.83 lacs + R.I. charges by the consumer and balance by utility
 - a) Total load after augmentation :

- b) Load already existing :
- c) Proposed augmented load :

Consumers demanded load/augmented load x Total estimated cost + R.I. charges

The reply to 7 (C) above will be the proportionate contribution of the consumer.

This should be acceptable to the both the parties.

8) If the applicant agrees to the above solution, the utility must act according to the provisions of the SOP else to bear penalties except for the very unavoidable natural circumstance to be explained.

9) The demand of the applicant is quite genuine.

ORDER

In view of the above observations made above, the consumer applicant and the opponent utility should observe the formula mentioned in para (7) above (in the observation).

In the above orders of making demand by the utility should be observed, within a month and the consumer should make payment to the utility within one month or earlier if applicable to him (unless he wants to go in appeal).

The provision of SOP will apply fully in case of observance of the above orders. There has been a delay in this case, due to constant representations and hearing as also a site visit of the interest of the applicant. Hence the provision of SOP could be ordered.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 31st of May 2007.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from the date of receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
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MEMBER
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MAHARASHTRA STATE DISTRIBUTION COMPANY LTD

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Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078

R.P.A.D.

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 111/

Date :

To

Shri Madhukar Gangaram Patil,
Shop No. 2, Kalyan Road,
Zenieth Compound, Bhiwandi,
Bhiwandi

SUB : Decision issued in respect of case No. 111.

Dear Sir,

In response to the grievance put up by you with the Forum vide case No. 111 dt. 20/02/2007 hearing is completed on dated 21/04/2007 & the order passed on vide this office order No. 00049 dtd. 30/04/2007 is enclosed herewith for your information please.

Thanking you,

Yours faithfully

Encl : As above

SECRETARY
CGRF, MSEDCL,
BHANDUP

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c.s.w.r. to :

- 1) Chief Engineer (L.M.),
M.S.E.D.C.Ltd., H.O.,
Prakashgad, Bandra (E),
MUMBAI – 400 051.

- 2) The Chief Engineer, MSEDCL, BNDUZ, Bhandup.
- 3) The Superintending Engineer & Nodal Officer,
Consumer Grievance Internal Redressal Cell,
Office of the Superintending Engineer,
O&M Circle, MSEDCL, Bhiwandi.