
REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/21/232

Date: 7/12/2017

Case No. 21 /2017

Hearing DT 31/10/2017

In the matter of dispute regarding non observation of SOP Rules and Regulation received to reduction of load threat by consumer 423.72KWA and incorrect and improper assessment for 12 days bill by respondent utility

M/s. Efforts India Pvt. Ltd.

- (Consumer)

At- Plot No W-397,TTC MIDC Rabale

Navi Mumbai

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Vashi Circle, Vashi

- (Respondent)

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.

B - On behalf of Appellant

Mr. Suraj Chakrabourty – Consumer Representative

C - On behalf of Respondent

Shri. D.B. Pawar, Executive Engineer, Vashi Circle

Consumer No. 000149020977 category of connection and HT I N and connecting load 423KW CD-132KVA date of connection 01.11.96

1. Above named consumer filed this complaint against the respondent utility alleging that he using the said supply for commercial purpose at given address since 01.11.96. Consumer received wrong assessment bill issued by respondent utility accessing 12 days period amount Rs.84, 000/- without any clarification .After

receiving the said bill consumer make representation to Executive Engineer Vashi Circle alleging that he received improper and in correct assessment of bill of 12 days period. Consumer also made application for reduction of load Contract Demand 75KVA and connected load 423 KW and also pray for without assessment of bill as per Regulation No.15.4. Consumer lastly prayed for breach of standard performance condition of supply by respondent utility and prays for refund of excess amount with interest. Initially consumer approach to IGRC by filing application under Schedule 'X' Form on 15.02.2017. Thereafter the consumer dispute was not solved within the stipulated period of 2 months by IGRC. Therefore consumer approaches to this Forum and filed application complaint in form No. 'A' on dated 04.07.2017 and Consumer prayed accordingly. After filing the said grievance notice was issued to the respondent utility on 10.07.2017. After service of notice respondent utility filed reply on 18.09.2017. Respondent utility submitted that consumer M/s. Efforts India is under HT consumer under industrial category vashi circle existing CD- is 132 KVA applied load reduction up to the extent 75KVA vide letter dated 19.05.2016 and intimation was received to office. The said application filed by consumer on 07.07.2017. Accordingly after filing the said application existing HT meter installations were inspected and new specification was required for reduce contract demand which was inform to the consumer by letter and requested consumer to incurred expenses towards reduction of contract demand to which consumer show disagreement over incurring the required expenses and filed grievance. Applicant consumer's HT reading installation were failed on March 2017. Hence for the month of March 2017, April 2017 the consumer was assess as per the consumption considering meter consumption with average meter consumption for 12 months immediately preceding to the month in which the billing is contemplated and The respondent utility intimated consumer vide letter dated 18.06.2017 for submission of required documents and requested to furnish consent to terms mention in said letter for reduction CD from 132 KVA to 75 KVA to which consumer reply on 07.07.2016 vide letter No.6350. As per demand of consumer reduction of CD 132KVA existing to 75KVA as per condition quality of supply at MERC standard

performance regulation No 2013 referred in condition No.5.3 (a) (ii) (iii) & (iv) classified installation above 80KW for 3 phase 11KV or 22KV AC systems and installation below 80KW for 3 phase 400/415 AC systems. Copy of the said is filed by respondent utility Annexure A. The intimation was given to Executive Engineer testing Division and thereafter inspects existing metering installation and informed existing HT metering checking details. Consumer having outdoor type of CT ratio 5/5Amp and 22KVA PTs with 3 phase 4 wire type HT meter installations and recommended revised specification of CT with type of accuracy 0.5s& 10 VA and PT's with class of accuracy 0.5 & 50 VA. However the ratio of CT & PT was recommended same as existing. It is submitted by respondent utility as consumer wasn't to reduction of contract demand extent of 75 KVA on 22KVA voltage level itself. However the condition No.5.3 MERC (Standard of performance of distribution licenses, period for giving supply and determination of compensation) Regulation 2014 which was reproduced as " In case the consumer who is eligible for single phase connection wants avail supply at three phase or any consumer who seeks supply at the voltage level higher than its eligible voltage such consumer can avail such supply by incurring required expense" also guideline issued by chief Engineer regarding reduction of contract demand and replacement of HT metering Installation informed to consumer vide letter dated 08.11.2016 and consumer was ask to furnish consent for carrying out replacement of CTs and PTs by paying supervision charges to MSEDCL or apply for LT connection by surrendering existing HT connection vide letter dated 14.12.2016 to which consumer show and express disagreement for the fulfilling terms and condition letter dated 18.11.2016. However consumer informs the reduction of contract demand and requisite procedure on dated 31.12.2016. The representation filed before IGRC on 15.02.2017. IGRC not deliver the decision till filling this reply. According to utility as per regulation condition 1.3 of MERC (standards of performance of distribution licenses to giving supply and Determination of compensation) Regulation 2014 which is followed by MSEDCL commercial circular 224. On 27.03.2017 'Y' phase CT of consumer HT metering meter installation was failed which was replace on 21.04.2017 bill access for the month

of March 2017 & April 2017 and inform to the consumer as per average meter consumption for 12 months and assessment of unit calculated as given by utility in separate sheet Annexure 'B' to which consumer fail to convey the reply of letter dated 18.11.2016 and 30.12.2016 . On made complaint to IGRC in view of the existing circular and guidelines the grievance raised by consumer with frivolous, Vexatious and mala fide intentions without any sufficient cause. Responded utility pray for reject of the said grievance as per Regulation no 6.9 MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 which is not liable to pay cost and required to give any relief to the consumer. Respondent utility attached copy of 224 circular, Copy of MERC (Sop of Dist Licensees) regulations 2014, Copy of assessment sheet for m/o MAR 2017 And APR 2017. I have perused the entire document filed by consumer on the respondent utility thoroughly. After perusing the rival contention of consumer and respondent utility following point arose for our consideration to which I have recorded my finding to the point further the reason given below

- a. Whether consumer received in correct and exorbitant of unit bill for the month March & April 2017.
- b. Whether consumer entitled for reduction of load 75KVA on 22KVA level in the category of HT connection.
- c. Whether consumer is entitled for any refund with excess recovery.
- d. Whether consumer entitled for any relief.
- e. What order?

Reasoning

1. I have given opportunity to the consumer and his representative on consequent date of hearing. In this case reply is filed by respondent utility official late stage therefore delay is cause is disposing this matter by this Forum. It appears that the event occurred in month of May 2016 the CT of consumer was failed and he also made application for reduction of load from existing 132 KVA to 75KVA at same level .It appears that after receiving request of the consumer the site was inspected the proposal was made by respondent utility by issuing letter requiring proper and classified CT's and PT's at appropriate level to ensure continuous supply. The

voltage level as recommended by respondent utility vide letter option is given above 80KW for 3 phase 11KV or 22KV Ac system and installation below 80 KW for three phase 400/415 AC system which is supported by circular and conditional No5.3 of MERC((standards of performance of distribution licenses to giving supply and Determination of compensation) Regulation 2014. As it is referred by respondent utility the consumer was reluctant to incurred the expenses required for reduction of load even consumer denied to enter into supervision charges agreement to continue the supply as existing connection by modified the changes installation of proper CT&PT at level. In the event dated 27.03.2017 the CT of consumer HT metering installation was failed and which was replaced. The cause of action since to the arose to the consumer only bill was access charging 12 days Rs. 84000/- and the assessment was challenge by the consume. Thereafter he thought the load was not utilised up to level and the proposal was made by consumer for reduction of load at the level of 75KVA and accordingly consumer chooses to off for reduction of load but refuse to incur the expenses. It causes a real cause of action and reason to raise the dispute by the consumer. To my view the respondent utility official are bound by circular and guideline issued under circular 224 dated 05.06.2014 and as per the direction the voltage level at supply of to limit of 22KVA which is referred 100 up to 7500KVA and the proposal and requirement at the site the consumer was already informed by the letter dated 18.11.2016 and 31.12.2016 which was not followed by the consumer and he failed to enter into an agreement .Therefore non compliance of direction given by utility and not giving consent to incurring the expenses resulted in delay in solving the dispute of the consumer . Respondent utility not at all responsible for the act of consumer and therefore consume not entitled for any relief.

2. At the time of hearing he utility representative was directed to bring out proper solution as respondent utility official submitted if consumer is ready to reduction of load up to level of 100 KVA at same level by making modification CT&PT cost and expenditure will be done by utility itself but consumer failed to give any consent even before this Forum. In this circumstance as the Regulation, guidelines are binding on the respondent utility. I found the consumer is at liberty to modify

and give fresh proposal of reduction of load up to permissible level without much spending incurring expenses which is agreed by respondent utility at level the grievance can be solved by refresh action . In these circumstances as the grievance is put before the Forum not as per the guideline and requirement as consumer shown disagreement with the proposal of the respondent utility and request made in the letter. I come to conclusion the consumer is not entitled for any relief. Hence the consumer complaint stands dismissed.

ORDER

1. The consumer complaint 21/2017 is stands dismissed.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 30 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**