

**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO.LTD**  
**Consumer Grievance Redressal Forum**  
**Nagpur Zone Rural,Nagpur**

**Application /Case No.CGRF/NZ/Rural/307 of 2011**

In the matter of Additional load/Contract demand

M/s. CDET Explosive Industries Pvt.Ltd,Talegaon ..... Appellant

V/s

Superintending Engineer O&M Circle,Wardha/..... Respondent  
Nodal Officer/Executive Engineer O&M Circle Wardha

Present:

1. Smt.S.B.Chiwande,Member Secretary
2. Shri. M.G.Deodhar, Member

On behalf of the Appellant:

1. Shri. Suhas Khandekar. Representative.

On behalf of the Respondent:

1. Shri.L.M.Borikar,Superintending Engineer
2. Shri.D.R.Bawankar,Assistant Engineer
3. Shri.S.N.Kene, Jr.Law Officer

**ORDER**

**Date: 17<sup>th</sup> March, 2011**

M/S. CDET Explosive Industries Pvt.Ltd,Talegaon, the Appellant has filed grievance application in form schedule A under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (C.G.R.F & E.O) Regulations,2006 on Dt.19.01.2011.The brief details of the grievance are as under.

The Appellant is an HT Consumer of Maharashtra State Electricity Distribution Company Ltd (hereinafter referred to as the Respondent) having Contract demand of 225 KVA & connected load of 500 KW. In August 2009,the appellant applied for enhancement of Contract Demand from 225 KVA to 300 KVA for which the respondent prepared an estimate of Rs.30400/- which included the cost 11 KV Metering

CT ratio of 15/5 Amp on Dt.08.12.2009 under 1.3% ORC Supervision Scheme. The respondent sanctioned the load on Dt. 08.12.2009 in which following charges were levied

1. Service Connection Charges	Rs. 15000/-
2.1.3% ORC Charges	Rs. 400/-
3.Cost of Agreement	Rs. 200/-
4. Metering Cubical Testing Charges	Rs. 5000/-
5. Security Deposit	Rs.109300/-

-----  
Total Rs.129900/-

The respondent while sanctioning the load in its order had directed the appellant to procure the 11 KV metering CT having ratio 15/5 Amp. Accordingly the appellant procured it from the respondent's approved Vendor M/S. Huphen Electromech Pvt.Ltd, Nashik. The Appellant paid the charges & completed the work as per sanction order.

Subsequently the appellant came to know that in case No.31 of 2009 Dtd.09.07.2009 the CGRF Urban Zone Nagpur has given order that the CTs, being an integral part of the meter, should have been supplied by MSEDCL free of cost instead of asking the appellant to purchase it from the Market. The appellant also came to know that some of the charges were incorrectly collected by the respondent He applied to the Superintending Engineer, Wardha on Dt.08.10.2010 for refund of amount Rs.51120/-. In response to his letter, the Superintending Engineer vide his Ltr.Dtd.25.10.2010 informed the appellant that they have collected Rs.3000/- towards testing of CT's ,Rs. 400/- towards 1.3% ORC charges, Rs.200/- towards cost of agreement ,& Rs.109300/- towards Security Deposit total amounting to Rs. 112900/- .No service connection charges were collected from the appellant . The Respondent refused to refund any amount on the ground that the action taken by MSEDCL was in accordance with regulation 3.3.4 of MERC Regulation 2005.

The appellant has also referred to & relied upon the CGRF Nagpur Urban Zone order passed in grievance No.69 of 2010 in support of his case. The appellant vide his letter Dtd.08.12.2010 pointed out to the Respondent about the definition of meter and various other clauses from CEA's notifications, Electricity Act 2003 & MERC's orders & requested for refund of Rs.33920/- which they have actually paid. The respondent vide

their letter Dtd. 30.12.2010 again refused to refund the amount & hence this grievance.

The appellant prays for refund of expenses amounting to Rs.33920/- as detailed below:-

1. Cost of CT's	Rs.	30000/-
2. Metering Cubical(CT/PT) testing charges	Rs.	3000/-
3. 1.3% ORC Charges	Rs.	400/-
4. Transportation charges for CT's	Rs.	520/-

-----  
Total Rs. 33920/-

He also prayed for interest at standard rates on the above amount from the day of first application dtd.08.12.2010 till the date of actual refund, time frame in which the above amount shall be refunded to the appellant. The appellant also prayed for sum of Rs.1000/- towards the administrative expenses, postage etc incurred in correspondence with MSEDCL and Rs.5000/- being the fees payable to the representative for preparation & presenting the case in the Forum .

The respondent filed its parawise reply on Dt.10.02.2011 to the points raised by the appellant. It is submitted that the appellant is an HT consumer of MSEDCL with a sanctioned demand of 225 KVA & connected load of 500 KW. The appellant had applied for extension of contract demand from 225 to 300 KVA. The respondent sanctioned the load extension on dtd.08.12.2009 & issued demand note for Rs.129900/- .The respondent subsequently revised the demand note /- on Dt.13.01.2010 amounting to Rs.112900. The estimate was sanctioned under 1.3% supervision charges against the replacement of metering CT ratio 10/5 Amp by 15/5 Amp for enhancement of Contract demand as per the joint inspection carried out by Executive Engineer Testing, Executive Engineer O&M Division Arvi in presence of appellants representative. Accordingly the appellant paid the charges of Rs.112900/- vide receipt No.0001168 Dt.27.01.2010.

The respondent stated that the contention of the appellant having paid the charges of Rs.15000/- against Service connection & Rs. 5000/- against Metering Cubicle Testing charges is not correct. He further adds that as per Regulation 3.3.4 of MERC Regulation 2005 ,for augmentation of the Distribution system, the Distribution Licensee shall be authorized to recover the expenses from the appellant such expenses incurred on the works at the load applied for bears to incremental capacity that will be created by augmentation of Distribution system. It is further submitted that the respondent is

authorized to recover the expenses required for augmentation where the load applied for exceeds 25% of the capacity . The amount Rs.51120/- claimed for refund by the appellant is not as per the provision of regulation.

The respondent stated that the similar type of matter regarding HT consumer M/S.Shrikrushna Ginning & Pressing is subjudice before the Hon'ble High Court bench at Nagpur vide Writ Petition No.6150/2010 & matter will be heard on Dt.25.02.2011. With this submission ,the respondent prays for rejecting the appellants grievance.

The matter was heard on 21<sup>st</sup> February 2011. Shri.Suhas Khandekar, Representative represented the Appellant., Shri.L.M.Borikar Superintending Engineer Wardha Circle, Shri.D.R.Bawankar.Assistant Engineer, Shri.S.N.Kene Jr.Law Officer were present on behalf of the Respondent. Shri.Khandekar reiterated Appellants submission made in the grievance. The respondent argued that the appellant has paid 1.3% supervision charges against replacement of Metering CT ,hence the demand raised by the respondent is correct & is as per MERC directives.

The respondent further clarified that as per the Regulation 6.15 of the Maharashtra Electricity Regulatory Commission (C.G.R.F & E.O) Regulations,2006 ,An advocate is not allowed in the proceedings before the Forum, hence there is no question of expenses incurred by the appellant on his representative for representing the case before the Forum. The appellants contention having spent Rs.1000/- towards Administrative Charges & Rs.5000/- towards Representative for preparation & presenting the case is clearly misplaced .The respondent reiterated that it has challenged the order of the CGRF, Nagpur Zone in case No.261/2010 in similar type of matter before the Nagpur bench of the Hon'ble .Bombay High Court & hence prays to reject the appellants case .

Having heard both the parties & on careful consideration of documents on record it is noticed that the appellant had applied for enhancement of Contract Demand from 225 KVA to 300 KVA. The respondent sanctioned the load. The charges were paid & completed the work as per sanction by the appellant . It appears that the appellant has carried out the work by paying 1.3 % supervision charges. The issue regarding replacement of CTs were elaborated in detail in the representation No.67 of 2008 of Electricity Ombudsman's order.

As the matter is before the Nagpur bench of Hon'ble Bombay High Court where the Writ petition filed by the Respondent in the similar type of matter is pending in case no.261/2010 of CGRF,Nagpur Zone. The Appellant is not, therefore entitled to get refund of said amount until the issue is decided by the Hon'ble High Court.

In view of above the appellants claim for refund of the cost of CTs, together with the transportation charges,Testing charges & 1.3% ORC charges ,cannot be accepted.

With the above observations, the Forum unanimously pass the following order

### **ORDER**

1. Application is Rejected.
2. There is no order as to cost.

Sd/-  
Member Secretary

Sd/-  
Member

CONSUMER GRIEVANCE REDRESAL FORUM  
M.S.E.D.C.L (NAGPUR ZONE RURAL) NAGPUR

**CONSUMER GRIEVANCE REDRESSAL FORUM  
NAGPUR ZONE (RURAL) M. S. E. D. C. L.**

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,

NAGPUR – 440 013

**(O) 0712- 2022198**

---

NO. CGRF/NZ/R/

Date :

**Certified copy of order dtd 17<sup>th</sup> March,2011 in Case No. 307/2011 is  
enclosed herewith.**

Member-Secy/ Exe.Engineer,  
C.G.R.F.(NZ-R)MSEDCL  
N A G P U R

Copy to:-

1. M/S. CDET Explosive Industries Pvt.Ltd,Talegaon,Tq-Ashti ,District-Wardha.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Superintending Engineer ,O&M Circle, MSEDCL. Wardha.
4. The Exe.Engineer/N.O., O&M Circle, MSEDCL. Wardha for information and necessary action.

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**

Maharashtra Electricity Regulatory Commission,  
606-608, Keshava Building,  
Bandra-Kurla complex,  
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)

022 - 26590339 (Office)