

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.13/2015**

**Date of Grievance : 30.03.2015**

**Date of Order : 13.05.2015**

In the matter of refund of amount of CRA & changing of tariff to Industrial purpose.

Shri Rajmal Amrutlal Shaha  
Prop.Bhansali Metal Corporation,  
At S.No.43/44, Plot No.5/B,  
Parvati Industrial Estate,  
Pune-Satara Road, Parvati, Pune-09

**Complainant**  
(Herein after referred to as Consumer)

**Versus**

Executive Engineer,  
M.S.E.D.C.L.,  
Padmavati Division,  
Pune.

**Respondent**  
(Herein after referred to as Licensee)

**Quorum**

**Chair person  
Member Secretary**

**Mr. S.N.Shelke  
Mr. H.P.Biranwar**

**Appearance**

**For Consumer**

**Mr.Kishor Dhotre,  
Representative**

**For Respondent**

**Mr.D.R.Bansode,  
Ex.Engineer  
Padmavati Division.  
Mr.M.K.Gupta, Addl. Ex.  
Engr., Marketyard S/dn.  
Mr. S.B.Kulkarni, Dy.E.E.  
Padmavati Dn.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 30.01.2015 passed by IGRC Rastapeth Urban Circle, Pune, the consumer above named prefers this grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Parvati Division, Pune vide letter no. EE/CGRF/PZ/Notice/13 of 2015/136 dtd. 31.03.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 18.04.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
  - i) Consumer No.170012806518 Industrial 3 phase is standing in the name of M/s.Bhansali Metal Corporation.
  - ii) Similarly consumer no. 170012806020 Commercial was also in the name of M/s. Bhansali Metal Corporation.
  - iii) The proprietor of the said firm Mr. Rajmal Amrutlal Shaha made application on 15.3.2014 to Licensee for supplying of additional load 35 HP i.e. total load 50 HP/38 KW (3 phase)
  - iv) The Licensee after processing the said application sanctioned the additional load as demanded vide EE/PAD/MY/Addl S/ARR/NONDDF/125/14-15/5.5.2014 dated 5.5.2014 & issued firm quotation.
  - v) The consumer deposited the amount of Rs.20000/- towards CRA, Rs.42825/-Additional S.D., Rs.100/- Processing Fee totaling to Rs.62925/- on 19.6.2014.
  - vi) The consumer laid underground cable of the said work with his own expenses without any permission & supervision of Licensee before the payment i.e.19.6.2014.
  - vii) The consumer made application to the Licensee on 27.08.2014 for refund of CRA of Rs.20000/-.
  - viii) Regarding Commercial connection the Licensee disconnected the supply of consumer no.170012806020 on 30.6.2014 for Commercial & made it P.D. with allowed to use electricity supply for lighting of

Industries through consumer no.170012806518 from Industrial purpose.

- ix) Consumer approached to IGRC for refund of CRA of Rs.20000/- & for refund of tariff difference from Commercial to Industrial on 17.01.2015. IGRC decided grievance vide impugned order dated 30.1.2015.
- 5) Consumer representative Mr. Kishor Dhotre submitted that the consumer had applied for additional load to Industrial connection on 15.3.2014. The said application was sanctioned by the Licensee on 5.5.2014. Consumer deposited amount of CRA of Rs.20000/- under protest on 19.6.2014. The Licensee released the additional load through the cable laid by the consumer. Therefore the Licensee has to recover 1.3% Supervision Charges on CRA i.e. Rs.260/- and to refund amount of CRA of Rs.20000/- or the said amount be adjusted in the next energy bills. He further submitted that meter of Commercial connection no.170012806020 was removed/P.D.by the Licensee on 30.6.2014 & in that place supply for lighting was provided through Industrial meter. Therefore tariff difference of Commercial to Industrial to be given for the period from 1.8.2012 to 30.6.2014.
- 6) On the other hand MSEDCL was represented by Mr.Bansode, Ex.Engineer, Mr.M.K.Gupta, Addl.Ex.Engineer, Marketyard S/Dn. & Mr.S.B.Kulkarni, Dy.E.E., Padmavati Dn. They submitted that the consumer applied for additional load to Industrial meter on 15.3.2014. The said application was sanctioned after making necessary survey by the Division on 5.05.2014. However the said consumer without permission of the MSEDCL laid cable on his own expenses. Since the said consumer was urgent need of additional supply, the Licensee released the additional supply through the cable laid by the consumer on 30.6.2014. The said work was sanctioned by the Licensee under, 'ARR non DDF' Scheme. Under the said scheme expenditure is to be incurred by the Licensee. Moreover the consumer did not execute any agreement with Licensee on the stamp paper about carrying out work under

1.3 Supervision Scheme. Also as per H.O. Circular No. CE/Dist.III/SOC/24500 dt.30.08.2012

*2.3 In case MSEDCL permits the consumer to carry out the works through a Licensed Electrical Contractor, the supervision charges shall be recovered at a rate of 1.3% of the normative charges.*

Therefore the Licensee is not liable to refund the amount of CRA of Rs.20000/- to the consumer as claimed.

- 7) They further submitted that consumer no.170012806020 commercial was disconnected as per circular on dtd.30.6.2014. The consumer was utilizing energy for commercial purpose till removing the supply of meter. Therefore consumer cannot claim difference in the tariff rate.
- 8) Following points arise for our determination. We give findings thereof for the reasons stated below :

<b>Points</b>	<b>Findings</b>
i)Whether consumer is entitled to get refund of service connection charges (CRA) of Rs.20000/- as claimed?	In the negative.
ii)Whether consumer is entitled to get difference in the tariff rate i.e. from Commercial to Industrial tariff rate from Aug.2012 to 30 June 2014.	In the negative.
iii)What Order?	As per final order.

- 9) Reasons :

As to Point No. i :-

Admittedly initial load of Industrial connection of consumer No.170012806518 was 15 HP. The consumer applied for additional load on 15.03.2014. The Licensee allowed the application of the consumer & the sanctioned additional load vide order no.EE/PAD/MY/ATT/ARR/Non DDF/125/14-15 dated 5.5.2014. The consumer deposited the amount of Service connection (CRA Rs.20000/-) Additional S.D.Rs.42825/- & P.F.Rs.100/- totaling Rs.62925/- on 19.6.2014. It is seen that the consumer

laid the cable for additional load from his own expenses without permission of Licensee. According to the Licensee they released additional load as per demand through the cable laid by the consumer, since the consumer was in very urgent need of additional load. As per CE, Distribution Circular No. *CE/Dist.-III/SOC/24500 dt.30.8.2012* service connection charges for underground supply, in case MSEDCL permits the consumer to carry out the works through a Licensed Electrical Contractor, the supervision charges shall be recovered at a rate of 1.3% of the normative charges. In the present case as per the said rule the consumer did not execute any agreement with Licensee. The facility sanctioned to the consumer by the Licensee is, "ARR NonDDF" vide No. EE/PAD/MY/ATT/ARR/Non DDF/125/14-15 dated 5.5.2014. Therefore under the said scheme the Licensee is to incur expenditure of the entire scheme. However in the present case the consumer incurred the expenditure of laying of underground cable. He did the said work on his own. Consumer did not produce on record any permission given by Licensee for laying the cable from his own expenses, nor he produced any agreement showing the said work is to be done under 1.3% Supervision Scheme. The consumer did the expenditure of underground cable of said service connection without the permission of Licensee. He was never permitted by the Licensee for the same. Therefore Licensee is not liable to refund amount of CRA of Rs.20000/- as claimed by consumer. Hence we answer point no. i) in the negative.

10. Point No. ii

The consumer was having two connections i.e. consumer no.170012806518 for Industrial & 170012806020 for Commercial in the same premises. It is seen that the Licensee made spot inspection of the premises of the consumer at the time of sanctioning of additional load as demanded by the consumer. They found one commercial meter in Industrial premises. Hence as per Tariff Order 175, the Licensee disconnected the commercial connection and made it P.D.on 30.6.2014. The consumer had not made any request for changing of tariff i.e. from Commercial to Industrial till the said connection was made

P.D. Therefore consumer is liable to pay the bill as per commercial rate of the said connection (Consumer No.170012806020).

11. IGRC, Rastapeth has rightly decided the matter no any interference is warranted.
12. Hence we pass the following order:

**ORDER**

- 1) Grievance of the consumer stands rejected with cost.

Delivered on: -13.05.2015

H.P.Biranwar  
Member/Secretary  
CGRF:PZ:PUNE

S.N.Shelke  
Chairperson  
CGRF:PZ:PUNE