

**Before Maharashtra State Electricity Distribution Co. Limited
Consumer Grievances Redressal Forum, Pune Zone,
925, Kasabapeth Building, IInd flr. Pune-11**

Case No.07/2012

Date: 30/04/2012

**In the matter of
M/s. Sahakar Caterers &
Restaurants Pvt.Ltd.**

- Complainant

V/S

M.S.E.D.C.L.Kothrud Division

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.L.G.Sagajkar
Member	Shri.Suryakant Pathak

- 1) M/s. Sahakar Caterers & Restaurants Pvt.Ltd. Deccan Gymkhana Pune had made a complaint contending that the order passed by the Appellate authority under section 127 of Indian Electricity Act-2003 in appeal quashing the order passed by the Assessing Officer and directed Maharashtra State Electricity Distribution Co. Ltd. (Opponent for the short) to refund Rs. 1 lakh with interest also applied for enhancement of load but no action is taken, and penalty was deducted for excess load. The complainant approached to Internal Grievance Redressal Cell (IGRC) but IGRC has not given any decision as period of six months has passed.

- 2) The respondent submitted point wise say as follows
- 1) As per decision of Electrical Inspector on dt. 15/04/2009 the amount paid by the party against supplementary bill was credited in consumers bill for the month of June-2009
 - 2) MSEDCL has not challenged the order of appellate authority.
 - 3) Regarding load extension Dy.Ex.Engr. Deccan Gymkhana had visited twice with representative Shri.Marathe for sparing space for D.T.C. alongwith with marking on site plan but the space was not finalized. Also vide letter dt.18/12/2010 submitted under taking for sparing 30 sq. meter land for MSEDCL which was also not finalized. Hence not able to prepare estimate for load enhancement.
 - 4) The hearing at IGRC carried out but decision is pending.
 - 5) Two separate meters having different consumer were clubbed as per corporate office circular No. P/Comm/MERC/23435 dt.12/05/2000 and commercial circular No. 110 dt.16/02/2010 as per MERC guidelines.
 - 6) As space for D.T.C. was not finalized therefore no question of S.O.P. applicability as the matter is pending with complainant only.
- 3) On the date of hearing Mr. Sahani on behalf of complainant contended that the refund of Rs. 1 lakh with interest as per order of Appellate Authority under section 127 of Indian Electricity Act-

2003 is not received. Also contended that is not knowing anything about contract demand for which DTC is required.

- 4) Mr. Joshi, Dy. Ex. Engr. Deccan Gymkhana & Mr. Samudre, A.E. on behalf of respondent contended that refund of Rs.1 lakh was given in the bill of June-2009 for which C.P.L. is shown. The credit of interest amount is pending which will be given. Also for load above 75 KW contract demand DTC is required for which the space has not been finalized by the complainant.
- 5) On careful consideration of submission of consumer regarding the order under section 127 of Electricity Act. He stated that the interest is not awarded as per the order passed by Electrical Inspector. We are of considered view that the execution of the order of electrical inspector is not to be decided by this forum.

The important issue in this case is that, whether installation of D.T.C. mandatory and whether opponent is justified in imposing of penalty for excess load than sanctioned load. The documents produced on record show that there was discussion on the issue of requirement of installation of D.T.C. providing space for the same , however due to failure in the settlement, that issue was not finally settled.

Now both sides moved a proposal stating that consumer will make fresh application for sanction of enhancement of load and Maharashtra State Electricity Distribution Co. Ltd. shall decide the said application on considering the technical feasibility other mandatory requirement. We feel this is proper course of action to settle the issue. It is a settled legal position that in case consumer

exceeds the load than sanction load is under an obligation to pay penalty as per MERC tariff orders.

The action of clubbing of two meters into one appears to have been taken as per the circular of MSEDCL and on request application of consumer dated 25/04/2012.

ORDER

- 1) The consumer M/s. Sahakar Caterers & Restaurants Pvt.Ltd. Deccan Gymkhana is directed to apply to MSEDCL for Load enhancement within 15 days.
- 2) The MSEDCL shall decide the above said application on merit within 7 days from the date of receipt of application as per SOP norms

L.G.Sagajkar,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 30/04/2012

