

ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone: 0240-2336172

Case No: CGRF/AZ/R/157/2008/78/

Date:-

To,

**The Executive Engineer (Administration)
O/O Superintending Engineer,
O&M Rural Circle , M.S.E.D.C.L.,
Aurangabad.**

**Sub:- Forwarding of grievance in respect of M/s Girija Steels Pvt.ltd., &
Others, Gut No.850, 24 KM Stone,Paithan Road, Tq.Paithan
Dist.Aurangabad. (Consumer No. 49302904049-0)
Regarding Refund of SLC, SSC & Mter cost with interest.**

Dear Sir

Please find enclosed herewith a copy of the grievance application received by the Forum from M/s Girija Steels Pvt.ltd.,& Others, Gut No.850, 24 KM Stone,Paithan Road, Tq.Paithan Dist.Aurangabad.

You are requested to submit your para wise reply on the grievance within 15 days from the date of receipt of this letter along with. related documents.

The hearing in this matter is kept on 16/12/208 at 13=00 Hrs.

Member/Secretary
Consumer Grievance Redressal Forum,
MSEDCL (AZ) Aurangabad.

Encl As above.

Copy to :
M/s Girija Steels Pvt.ltd., & Others,
Gut No.850, 24 KM Stone,
Paithan Road, Tq.Paithan
Dist.Aurangabad.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

(Case No: CGRF/ AZ / R / 157 / 2008 / 78)

Date of Filing: 25.11.2008

Date of Decision: 05.02.2009

1. M/S Girija Steels Pvt. Ltd.
Gut No. 850, Bidkin
Tal. Paithan ,Dist. Aurangabad.
(Consumer No. 493029040490)
2. M/S J. Square Steels Pvt.Ltd.
Gut No. 850, Bidkin, Tal.Paithan
Aurangabad

Complainants

V/s

**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO.
LTD. Rural Circle Aurangabad.**

The Distribution Licensee.

Coram:

| | |
|-------------------------|-------------------------|
| Shri V.A.Hambire | President |
| Shri H.A.Kapadia | Member |
| Shri P.A.Sagane | Member secretary |

ORDER

The complainant M/S Girija Steels Pvt. Ltd. Gut No. 850, Bidkin Tal. Paithan ,Dist. Aurangabad has filed his grievance in Annexure "A" before this Forum on 25.11.08, under Regulation No. 6.10 of the Regulations 2006. The grievance was registered as Case No: CGRF/ AZ / R / 157 / 2008 / 78 in the Forum. The grievance of the consumer was forwarded to the Nodal Officer, (Adm.) in the office of the Superintending Engineer, O&M Rural Circle , Aurangabad and hearing in the matter was kept on 16.12.08

157/78

Page No.01/07

1. The grievance of the consumer, as per consumer, is as stated below :-

The complainant was running a steel factory at Gut No.850, Bidkin, Tal.Paithan, Aurangabad. in the name M/S Girija Steel Pvt. Ltd and has taken 33kv Express feeder from the Distribution Licensee(hereinafter referred to as D.L). The electrical load sanction by the D.L. to the consumer was 3500 KW with contract demand of 3780 KVA. The consumer contended that his assets were transferred to complainant No.2 and he has submitted application for transfer of connection in the name of complainant No.2. The complainant further stated that his power supply was disconnected on 17.10.04 due to non payment of bill. The complainant thereafter filed writ petition bearing No. 2808/2004 in the High Court, Aurangabad. However after arriving at settlement with the D.L., the writ petition was disposed by the High Court Bench Aurangabad. The complainant further contended that after receipt of order passed by the High Court in above petition, he requested the D.L. to calculate service connection charges (SCC), service Line charges(SLC) etc. correctly as he has already paid SLC and SCC charges while taking connection in year 2002. However D.L. has collected SCC and SLC charges from him while restoring the electricity supply in 2005. The complainant in his grievance also stated that as per clause 3.2(a) of MERC (Electricity supply code and other condition of supply) Regulation 2005 , D.L. has no authority to recover charges other than approved by the MERC(hereinafter referred to as “the commission”) and contended that the action of D.L. to recover SCC & SLC charges is illegal. The consumer submitted application for refund of SCC & SLC charges to the concerned authority of the D.L., however since no cognizance of his request was taken by the D.L. , he again filed writ petition bearing No. 3273/2005 in the High Court, Aurangabad challenging the illegal demand of the D.L. However during the course of this litigation, on 10.4.06, a compromise through one time settlement was reached between the D.L. and complainant. As per this settlement, the temporary disconnection date was considered as date of permanent disconnection and it was decided that the complainant will submit fresh application for power supply for his factory. Accordingly the complainant submitted fresh application for power to D.L.. The D.L. has issued demand note of Rs. 51,43,190/ which includes an amount of Rs.19,90,600/ towards SLC , SCC & meter cost etc. The complainant , has paid the SCC,SLC and meter cost amount under protest and got the power supply released.

157/78

The complainant, in his grievance further stated that he has withdrawn the writ petition bearing No. 3273/2005, as per agreement arrived at the time of settlement. Since the D.L. did not refund the said amount of Rs. 19,90,600/ collected towards SCC , SLC & n cost of meter , he filed representation before the Maharashtra Electricity Regulatory Commission (MERC) which was registered as case No. 29/2006. The Hon'ble Commission on dt.6.6.07 passed an order and directed the consumer to approach the authority as per provision of Electricity Act 2003 section 42 (5). The complainant states that he again filed a writ petition No. 4920/2007 against the decision passed by the Hon'ble Commission. The Hon'ble High Court has passed an order in this matter and directed the complainant to approach the authority, and remedy available, as per Electricity Act 2003. The complainant therefore filed this grievance in this Forum and requested to direct the D.L. to refund an amount of Rs. 19,90,600/ recovered from him by the D.L. or alternatively to adjust the said amount against current electricity bill.

2. On 16.12.08, consumer was absent. Nodal officer Shri J.G.Jaiswal was present on behalf of D.L. Since the consumer was absent , the hearing was postponed and fixed on 19.12.08.
3. On 19.12.08, Consumer representative Shri B.N.Galbe was present. Nodal officer Shri J.G.Jaiswal was present. Nodal officer filed an application for time extension .The consumer also requested to postpone the hearing. The Forum , on granting the request of both the parties, kept the next hearing on 6.1.09.
4. On 6.1.09, Consumer representative Shri B.N.Galbe was present. Shri A.R.Patil, officiating Nodal officer along with Shri Kardile Accounts Officer & Shri S.K.Chaudhary Divisional Accountant, were present on behalf of D.L. Nodal officer filed his reply on the grievance, copy of same was given to the consumer for filing his say. Consumer representative requested Forum to grant time extension for one week to filing his reply. The next hearing was therefore kept on 14.1.09.
5. On 14.1.09, consumer representative Shri B.N.Galbe along with Shri Niranjn Jadhav were present. Nodal officer's authorized representative Shri S.K.Chaudhary was present. The consumer filed his say on the reply filed by the D.L. A copy of the same was given to Nodal Officers representative for filing his say

Shri Niranjan Jadhav stated that all the writ petitions filed before Hon'ble High Court has been withdrawn and the said grievance is not filed and pending before any authority. Shri Jadhav explained his grievance in details and stated that the D.L. has collected SCC and SLC charges illegally and without having any authority and approval from Hon'ble Commission.

The Nodal officer's authorized representative stated that he desired to take legal opinion from his head office in this matter and therefore requested the Forum to grant two weeks time for filing his reply. The Forum directed the Nodal Officer's representative to file his reply before 31.01.09 and the matter was kept for decision.

Since the D.L. has asked time extension for filing his say the order in this matter is delayed by two weeks.

6. We have gone through the grievance filed by the consumer, writ petitions filed by the consumer before the Hon'ble High Court Aurangabad bench, order passed by the Hon'ble Commission etc. We have also gone through the order passed by the Hon'ble High court granting permission to the consumer to file his petition with the authority as per provision in Electricity Act 2003.

On going through the documents filed by the consumer, we observed that the present grievance filed by the consumer is not filed before any authority and hence the Forum decided to admit the grievance.

On going through the documents we observed that the initial power connection was taken in the name of complainant No.1 i.e. M/s Girija Steel Pvt. Ltd. at Gut No.850, Bidkin, Paithan road Aurangabad in the year 2002. The consumer M/s Girija Steel Pvt.Ltd., has paid SCC, SLC and other charges while taking the above said connection. The said connection was initially temporarily disconnected on 28/03/2003 on account of non-payment of energy bills and later on was permanently disconnected on 17/10/2003. We also observed that after arriving at one time settlement between both the parties on 10.04.2006 the writ petition filed in the Hon'ble High Court, Aurangabad bench was disposed. On going through the terms of one time settlement we observed that the date of permanent disconnection was considered as 28/03/2003, the consumer was also given rebate in interest amount.

In addition to above clause No.10 of the said one time settlement discloses that it was agreed between the parties that the old connection will be treated as permanently disconnected and the application for new connection will be treated as fresh /new connection. On going through the sanctioned letter dated 23/05/2006 for fresh power supply issued by the Supdt.Engineer, Rural Circle, we observed that the D.L. has demanded following amount (Rs. 51,43,190/-) under following heads.

| | | | |
|----|----------------------------------|-----|----------------|
| 1) | Fixed Service Connection charges | Rs. | 85,600/- |
| 2) | Service line charges (SLC) | Rs | 18,90,000/- |
| 3) | Security deposit | Rs. | 31,52,520/- |
| 4) | Cost of agreement etc. | Rs. | 70/- |
| 5) | Cost of meter | Rs. | 15,000/- |
| | | | <hr/> |
| | | | Rs. 51,43,190/ |

On going through the clause No. 10 of the one time settlement dt. 10.04.2006 wherein it is clearly mentioned that the connection will be treated as Fresh connection and consumer will have to pay all the required charges applicable to new consumer. Therefore the contention of the consumer that he has already paid SCC/SLC charges cannot be accepted.

As regards to recovery of charges , we observed that Regulation No. 3.3 of the M.E.R.C. regulations 2005 dt.20.01.2005 empowers the D.L. to collect all expenses reasonably incurred on such works from the consumer based on schedule of charges approved by the Hon'ble Commission , except Where the provision of supply to an applicant entails work of installation of dedicated distribution facilities The Distribution Licensees shall be authorized to recover all expenses reasonably incurred on such works from the applicant, based on the schedule of charges approved by the Commission under Regulation 18”.

Since the consumer has opted for dedicated supply facility, as per Regulation 3.3 , D.L. is authorized to recover all charges reasonably incurred as per schedule of charges approved by the Commission. However we observed that D.L. has recovered the amount under the head Service Line Charges and not as per schedule of charges approved by the Commission.

The Hon'ble Commission's order dt. 08.09.2006 in case No. 70/2005, the Commission has rejected the D.L.'s proposal to recover SLC charges from the prospective consumers.

The Hon'ble Commission has also in its order dt.17.05.2007 in case No.82/2006 has also observed that

“ The amount received towards SLC including SCC & ORC is not income but consumers contribution towards cost of capital asset and this is shown on the liability side of balance sheet of the D.L. and therefore should not collect any monies under any charge item which is not defined under the supply code or the order dt. 08.09.2006.

The consumer has opted for express feeder for his factory. The single line diagram duly signed by Executive Engineer, Rural Division and Superintending Engineer, Rural Circle, submitted by the consumer as a part of a sanctioned letter also reveals that the supply was released on express feeder from 132KV Paithan Sub Station. The estimate for providing the express feeder enclosed along with the above sanctioned letter also reveals that the total estimated cost for providing express feeder is Rs. 13,31,520/- . Since the Hon'ble Commission in its above mentioned order has rejected D.L's proposal to recover SLC charges We are the opinion that the D.L. has wrongly collected amount of Rs. 18,90,000/ towards SLC charges . The D.L. is authorized to collect only expenses incurred towards providing supply to the consumer, the estimated amount which has been shown as Rs.13,31,520/ .

We further observed that the Hon'ble Commission in its order dated 08/09/2006(Case No.70/2005) has directed the D.L. to refund the SLC amount collected after 08/09/2006., However as regards to the SLC charges paid prior to 08/09/2006 ,the Hon'ble Commission in its order dated 16/02/2008 (Case No. 56/2007) has observed that the matter regarding refund of SLC prior to 08.09.06 is pending before Hon'ble Supreme Court and stay order has been passed by the Hon'ble Supreme Court in this matter. (Appeal No.20340 of 2007)

In view of above observation the grievance filed by the consumer is hereby disposed

(H.A.Kapadia)
Member

(P.A.Sagane)
Member/Secretary

(V.H.Hambire)
Chairman

157/78
Page No.07/07

ग्राहक गा-हाणे निवारण मंच
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

जुने पावर हाऊस परिसर.डॉ.बाबासाहेब आंबेडकर रोड, मिल कॉर्नर, औरंगाबाद. - ४३१ ००१, दुरध्वनी व फॅक्स -०२४० - २३३६१७२.

Case No. CGRF/AZ/AUR/U /157/ 2008/ 78/

Date:-

To,

- 1. The Executive Engineer (Adm.)
O/O Superintending Engineer
O& M , Rural Circle, M.S.E.D.C.L.
Aurangabad.**
- 2. M/S Girija Steel Pvt.Ltd.
Gut No.850, Bidkin, Paithan Road
Aurangabad.**

Sub: Grievance incase No. CGRF/AZ/AUR/U/157/2008/78

Please find enclosed herewith a copy of order passed by the Forum in the case mentioned above.

The consumer, if not satisfied with the decision of the Forum , is at liberty to make a representation to the Electricity Ombudsman, the contact details of whom is as under, within a period of 60 days from the date of this order.

Encl: A/A

Copy submitted with respect to:-

The Chief Engineer(AZ)

MSEDCL, Aurangabad.

For information please.

Contact Details of Electricity Ombudsman:

The Electricity Ombudsman

Maharashtra Electricity Regulatory Commission

606-608, Keshava Building

Bandra-Kurla Complex, Mumbai 400 051

Tel.No. 022-26590339

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AT AURANGABAD**

CASE No.CGRF/AZ/AUR/157/2008/78

The applicant M/s Girija Steel Pvt.ltd., Bidkin and another

V/s MSEDCL through Superintending Engineer, Rural Circle,
Aurangabad.

**The Respondent through Superintending Engineer, Rural
Circle,
Aurangabad, submits its says/Written statement as below:-**

1. It is not disputed that the applicant No.1 is running Steel Factory and is a consumer of the respondent
2. The respondent, in respect of para No.2 of the application submits that the interest of the applicant No.1, in the above referred factory has been transferred in favour of applicant No.2, which had filed the applications to change the meter connection its name but the said application has not been so far accepted, for non compliance of the procedure by applicant No.2
3. The respondent in respect of para No.3, submits that for non payment of the bills for the month of January to March 2003 the power supply of applicant No.1 was disconnected on 28.03.2003 initially and subsequently as on 17.10.2003, also for arrears of electricity charges. It is admitted that the applicant No.1 has filed writ petition No.2808/2004 before the High Court Bench at Aurangabad for certain relief from the respondent. It is admitted that during the pendency of the said writ petition, the respondent has granted the package dated 27/01/ 2005 which was to be complied with by applicant No.1 within one month. It is on disputed that the above writ petition and miscellaneous application filed therein were disposed of by the High Court on 11.03.205.
4. The respondent, in respect of para No.4 of the application, submits that the calculations of electricity charges, recoverable from the applicant No.1, were correctly assessed and furnished to the applicant. All the charges levied against the applicants were legally admissible. It is further submitted that the applicants are misinterpreting the provisions of rule 3.2(a) of MERC Regulations 205. Reference to clause 18.4 and 19.1 of the Regulations framed by from the MERC is also misplaced. It

is on disputed that the Electricity Supply Code and other Conditions of Supply Regulations came into force from 20-01-2005.

5. It is admitted that to challenge the levy of SLC and SCC charges the applicant No.1 had presented Writ Petition No.3273/2005 before the High Court Bench at Aurangabad and during the pendency of the writ petition., the respondent has offered the applicants One Time Settlement dated 10.04.2006. In pursuance of the Settlement, the applicant No.1 had deposited the total amount of Rs. 19,90,600/- in two installments .The validity of this offer was only for one month. All the terms and conditions of this offer, were quite clear and unambiguous which were voluntarily accepted by the applicant No.1 by depositing the amounts, as per the settlement .The charges shown as recoverable in the One Times Settlement were legally due from the applicant, It is denied that the deposit of the amount in pursuance of the settlement was under protest. In respect of the para No.7 of the applicant it is submitted that the applicant No.1 has filed the case No. 29/2006 disputing the levy of SCL & SCC charges but ultimately the MERC disposed off case No.29/2-006 on 06.06.206 without granting any relief infavour of the applicant No.1, However the MERC was pleased to grant the liberty to the applicant No.1 to approach CGRF or the Electricity Ombudsmen for the relief prayed before the MERC.It is apparent that the reliance of the applicant on the decision of the MERC in case No. 23/2004 dated 18.10.2005 (M/s LLOYEDS) Steel Industries was misconceived .It is not disputed that the writ petition No.4920/2007 the High Court Bench at Aurangabad in its order dated 24.09.2008, has given the liberty to the applicants to pursue any other remedy other than appeal ,but writ petition itself was dismissed being not maintainable.
6. It is submitted in respect of the prayers made by the applicants in the present petition can not be allowed to the applicants as they are not legally permissible and the present petition is liable to be dismissed with cost, to the respondents.
7. The respondent further submits that the present petition is legally not tenable and its filed under erroneous assumptions.
8. It is submitted that in the present petition, the applicants have challenged though impliedly the legality of the rights of the respondents to levy the SLC and SCC charges along with the meter cost and

therefore this Forum has no jurisdiction to entertained and decide this vital issue and it is to be decided to Civil or Writ jurisdiction.

9. It is further submitted that the applicants have voluntarily accepted and also acted upon the terms and conditions of One Time Settlement and also had enjoyed the benefits of the said settlement by securing electricity supply, therefore subsequent stage the applicants can not approbate and reprobate the said settlement.
10. The application in the present form is not tenable, as applicant No.1 has legally transferred all its interest assessed etc. infavour of applicant No.2, who is, so far, not the consumer of the respondent company.
11. The respondent submit that for non payment of electricity charges the supply of the electricity to the applicant was permanently disconnected on 08.09.2004 but in the One Time Settlement, the said permanent disconnection, was given effect from 28,03.2003, the date of temporary disconnection which was beneficial to the applicants because the charges which were recoverable for the above referred period from the applicants, were waived on prorata basis as special case It is repeated that the term s and conditions of the One Time Settlement, were quite clear and the same are voluntarily accepted and acted upon.
12. It is not disputed that the applicants remained for about 30 months, without any power supply to its plant and as per the Commercial circular No.607 dated 20.08.1992, the applicants were liable to pay full SLC charges where they had approached for power supply after one year from the date of permanent disconnection. The respondents were also legally entitled to recover SCC and meter charges. It is only in the order passed by MERC dated 8/Sept.206 in case of 70/2005. The MERC has directed the MSEDCL not to recover the Service Line Charges except in cases of consumers requiring dedicated distribution facilities. In the same order the MERC directed the MSEDCL not to recover any cost towards meter and meter box, except were the consumers Opts to purchase the meter from MSEDCL. This ruling of the MERC is applicable prospectively and not retrospectively. It follows that when the energy supply was resumed to the applicants on 21.06.2006 the charges of SLC and SCC and meter cost were legally recoverable from the applicants. The Service Line Charges are charged basically to cover the costs of infrastructure of Generation, Transmission net work upto the distributing main whereas service

connection charges are claimed as & link between the licensee nearest distribution points i.e. to the point of supply of the consumer's premises.

13. The applicants, accepting the One Time Settlement, secured the New Connection, under consumer No.493029041130, connected load 3500 KW and Contract Demand 3780 KVA. Therefore the applicants were bound to make all types of payments as new connection and previous deposits cannot be taken into consideration.
14. It is submitted that the applicants are in the habit of approaching the Courts without any cause of action and the present application is one such attempt. It is therefore requested that the applications may kindly be dismissed with its exemplarily cost, to the respondent.

**Superintending Engineer
MSEDL Rural Circle, Aurangabad.**

I, Somnath Namdeo Pawar, Superintending Engineer, Rural Circle, MSEDCL, Aurangabad solemnly affirm to the contents of the above W.S. are true and correct to the best of my knowledge and belief.

Deponent

()

- 1) Copy of Circular No.607 dated 20/08/1992
- 2) Relevant portion of MERC order dated 08/09/2006 passed in case No.70/05

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AT AURANGABAD**

CASE No.CGRF/AZ/AUR/157/2008/78

The applicant M/s Girija Steel Pvt.ltd., Bidkin and another

V/s MSEDCL through Superintending Engineer, Rural Circle,
Aurangabad.

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENTS

I Jagdayal Girdharilal Jaiswal, Executive Enginbeer, Rural Circle, MSEDCL,. Aurangabad do hereby solemnly affirm and state that I am conversant of the facts of this case and hence filing this affidavit to oppose the present petition and grant of any relief to the applicants, as below:

1. It is now disputed the applicant No.1 is running Steel Factory and is a consumer of the respondent
2. The respondent in respect of para No.2 of the application submit that the interest of the applicant No.1 in the above referred factory has been transferred in favour of applicant No.2 which had filed the applications to change the meter connection its name but the said application has not been so far accepted. For non compliance of the procedure by applicant No.2
3. The respondent in respect of para No.3 submit that for non payment of the bills for the month of January to March 2003 the power supply of applicant No.1 was disconnected on 28.03.2003 initially and subsequently as on 17.10.2003 also for arrears of electricity charges. It is admitted the applicant Nbo.1 has filed writ petition No.2808/2004 before the High Court Bench at Aurangabad for certain relief from the respondent. It is admitted that during the pendency of the said writ petition, the respondent has granted the package dated 27/01/.2005 which was to be comply with by applicant No.1 within one month. It is on disputed that the above writ petition and miscellaneous application filed thereon was disposed by the High Court on 11.03.205.
4. The respondent in respect of para No.4 of the application submit that the calculations of electricity charges recoverable from the applicant No.1 was correctly assessed and furnished to the applicant. All the charges levied against the applicant were legally admissible . It is further submitted that the applicants are misinterpreting the provisions of rule 3.2(a) of MERC Regulations 205.

- Reference to clause 18.4 and 19.1 of the regulations framed from the MERC is misplaced . It is on disputed that the electricity supply code and other conditions of supply regulations came into force from viz 2005.
5. It is admitted that to challenge the levy of SLC and SCC charges the applicant No.1 had presented writ petition No.3273/2005 before the High Court Bench at Aurangabad and during the pendency of the writ petition., the respondent has offered with the applicant one time settlement dated 10.04.2006. In presence of the settlement the applicant No.1 had deposited the total amount of Rs. 1,20,59,903/- in two installments .The validity of this offer was only for one month all the terms and conditions of this offer were quite clear and unambiguous which were warrantee rely accepted by the applicant No.1 by deposited the amounts as per the settlement .The charges show as recoverable in the one times settlement were legally due from the applicant it is denied that the disposed of the amount in pursuance of the settlement was under protest. In respect of the para No.7 of the applicant is submitted that the applicant No.1 has filed the case No. 29/2006 disputing the levy of SCL & SCC charges but ultimately the MERC disposed off case No.29/2-006 on 06.06.2006 without granting any relief infavour of the applicant No.1, however the MERC was pleased to grant the liberty to the applicant No.1 to approach CGRF dor the Electricity Ombudsmen for the relief prayed before the MERC.It is apparent that the grievance of the applicant on the decision of the MERC in case No. 23/2004 dated 18.10.2005 (M/s LLOYEDS) Steel Industries .It is also not disputed that the writ petition No.4920/2007 the High Courty Bench at Aurangabad in its order dated 24.09.2008 has given the liberty to the applicants to pursue any other remedy other than appeal but writ petition itself was dismissed being not maintainable .
 6. It is submitted in respect of the prayers made by the applicants in the writ petition can not be allowed to the applicants as they are not legally permissible and the present petition is liable to be dismissed with cost to its respondents.
 7. The respondent further submits that the present petition is legally not tenable and its filed erroneous assumptions.
 8. It is submitted that the present petition, the applicants have challenged though impliedly the legality of the rights of the respondents to levy the SCL and SCC charges along with the meter cost and therefore this Forum has no jurisdi ction to entertained and decide this vital issue.
 9. It is further submitted that the applicants have voluntarily accepted and also acted upon the terms and conditions of one time settlement and it is also enjoyed the benefits of the said settlement by securing electricity supply furthermore at latest stage the applicants can not approbate and reprobate the said settlement.
 10. The applicant in the present form is not tenable, as applicant No.1 has legally transferred all its interest assessed etc. infavour of applicant No.2 who is so far not the consumer of the respondent company.
 11. The respondent submit that for non payment of electricity charges the supply of the electricity to the applicant was permanently disconnected on 08.09.2004 but in the one time settlement the said permanent disconnection was given effect from 28,03.2003 the date of temporary disconnection which was beneficial to the applicants because the charges which was recoverable during the above referred

- period from the applicants were waived on prorate basis as special case It is repeatedly that the terms and conditions of the one time settlement were quite clear and the same are voluntarily accepted and acted upon.
12. It is not disputed that the applicants remained for about 30 months, without any power supply to its plant and as per the Commercial circular No.607 dated 20.08.1992 . The applicants were liable to pay full SLC charges where they had approached for power supply after one year from the date of permanent disconnection . The respondents were also legally entitled to recover SCC and meter charges . It is only in the order passed by MERC dated 8/Sept.2006 in case of 70/2005. The MERC has directed the MSEDCL not to recover the service line charges in cases of consumers requiring dedicated distribution facilities. In the same order the MERC directed the MSEDCL not to recover any cost towards meter and meter box except where the consumers Opt to purchase the meter from MSEDCL . This ruling of the MERC was applicable prospectively and not retrospectively it follows that when the energy supply was resumed to the applicants on 21.06.2006 the charges of SLC and SCC and meter cost were legally recoverable from the applicants.
 13. It is submitted that the applicants are in the habit of approaching the Courts without any cause of action and the present application is one such attempt. It is therefore requested that the applications may kindly be dismissed with its exemplary cost to the respondents.

Executive Engineer
Rural Circle, MSEDCL,
Aurangabad.

Deponent

()