

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD**

(Case No: CGRF/ AZ / AUR /R/ 296 / 2010 / 23)

Date of Filing: 06. 07. 2010

Date of Decision: 30. 09. 2010

M/s Kaygaon Paper Mills Ltd.
“ Manisha” Behind AXIS Bank,
Aurangabad
(Consumer No. 490019007020)

Consumer Complainant.

V/s

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO.LTD. RURAL
CIRCLE AURANGABAD.

The Distribution Licensee.

Coram:

Shri V.A. Hambire President

Shri Vilaschandra S. Kabra Member

Shri P.A. Sagane Member secretary

Sub:- Grievance under the Maharashtra Electricity Regulatory Commission
(Consumer Grievance Redressal Forum and Ombudsman)
Regulations 2006.

The consumer complainant M/S Kaygaon Paper Mills Ltd. “Manisha” Behind AXIS Bank, Adalat Road, Aurangabad has filed his grievance in Annexure “A” before this Forum on **06.07.2010**, under Regulation No. 6.10 of the Regulations 2006. 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 20.07.2010.

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

01) The consumer has taken high tension 33kv electricity supply from the Distribution Licensee (hereinafter referred to as D.L.) for paper Mill situated at village Kaygaon, Tq.Gangapur, Dist. Aurangabad. The consumer contended that he had applied for enhancement of load and contract demand from 1500 KVA to 2000 KVA during the year 2007, the D.L. has sanctioned the above additional load vide letter No.SE/ARC/TS/Com/HT/LE/Kaygaon/1405 dated 23.03.2007. As per the MERC order in case No.70/2005 dated 08.06.2006. the metering cubicle along with TOD meter has to be provided by MSEDCL but it was not available with them therefore, Superintending Engineer, MSEDCL, Rural Circle, Aurangabad asked to procure the metering cubicle and allied material from outside market through approved agency. Accordingly the consumer purchased the 33kv cubicle and installed at his factory. The consumer further states that in view of further expansion he had again applied for enhancement of contract demand from 2000 KVA to 2500 KVA on date 29.07.2008. The D.L. had given the sanctioned on date 31.01.2009 and instructed to procure and installed the CT's of ratio 50/5A. After commissioning of new CT's 50/5A, old CT's has been retained by D.L. though it was procured by us previously. The consumer submitted the copy of the return gate-pass of material issued to D.L.

02) The consumer submitted that he had paid fixed service connection charges of Rs.1,71,800/- while enhancement of contract demand from 1500 to 2000KVA and also Rs.55,000/- while enhancement load from 2000 to 2500 KVA of contract demand. In spite of the MERC order in case No.70/2005 dated 08.09.2006 D.L. has instructed us to procure the metering cubicle and CT's vide its sanctioned order No, 1405 dated 23.03.2007 and No. 516 dated 31.01.2009. The consumer states that as per the above MERC order he has filed application on 04.10.2009 and 04.12.2009. for refund of cost of 33kv cubicle Rs.2,35,872/- with transportation charges and cost of 50/5 CT's Rs. 53,341/- (Total amount $2,35,872 + 53,341 = 2,89,213/-$). The consumer submitted the copies of above bills to the Forum. The consumer further states that since the D,L. vide its letter No.224 dated 12.01.2010 refused to refund the amount paid towards the purchase of cubicle and CT's he filed his grievance before the Forum. He requested the Forum to direct D.L. to refund the amount of Rs. 2,89.213/- along with 12 % interest. Consumer submitted the copies of above correspondence made with D.L.

03) The above hearing was fixed on dates 20.07.2010 ,03.08.2010, and 24.08.2010. The Nodal Officer submitted the written application for postponement of the case on 20.07.2010 and 03.08.2010 due to the work of Maharashtra Assembly Session which delayed the order of Forum beyond 60 days. On 24.08.2010 Nodal Officer Representative Shri A.R. Patil, Assistant Engineer, and consumer representative Miss. C.S. Deshpande was present. The Nodal Officer submitted his reply with documents. The Nodal Officer in his written states that initially the existing point of supply was at the backside of the consumer premises. The 33kv Line of two poles was passing through the consumer's plot and separate outdoor type CT's and PT's were installed on four pole structure and TOD meter was installed in a separate meter room. As per the consumer request and consent it was decided to shift the point of supply from backside to front side of consumer plot . To carryout this work it was necessary to disconnect consumer's supply till the completion of shifting work. So to avoid the interruption of supply it was decided and mutually agreed to erect new cubicle at front side of the consumer's plot so that after its commissioning other dismantling work. can be carried out without interruption in supply. The consumer accordingly submitted the consent letter on 20.10.2006 and agreed to carryout this work at his own cost through licensed electrical contractor by paying supervision charges to D.L. as per Rule. Again on 29.07.2008 consumer submitted second application for load enhancement and contract demand 2000 to 2500 KVA . For this work also the consumer given the consent to carryout the replacement of existing CT's to 50/5A CT's at his own cost through his licensed electrical contractor.

04) The Nodal Officer also quoted the MERC Regulations 2005 Section 3.1 to 3.33 and 3.338 were the D.L. is authorized to recover the expenses incurred for the purpose of giving supply. The Nodal officer states that as per the consumer's request application he was permitted to carryout the require work at his own cost and now consumer is demanding refund of money after lapse of two years from the completion of work. Hence consumer's application for refund of expenses made by him may please be rejected . Heard both the sides in length and matter kept for decision.

05) Argument made by the parties and documents on record reveals that the consumer applied for enhancement of contract demand 1500 to 2000KVA. the D.L. prepared the estimate for shifting of point out supply from backside to front side of the factory premises along with the cost of cubicle with CT's. The firm quotation was issued with fixed service connection charges and 15 % supervision charges with 1.3% CRA, consumer paid the amount and carried out the work through licensed electrical contractor. The consumer again on 29.07.2008 applied for extension of load with contract demand 2000 to 2500 KVA for this purpose D.L. had prepared the estimate under 1.3 % ORC charges for replacement of

33kv 40/5 CT's to 50/5 Amp. CT's again consumer paid the service connection charges and 1.3 % ORC charges and carried out the work. The Hon'ble MERC in the matter of case No.70/2005 dated 08.09.2006 directed that the meter and meter box should be provided by the D.L. and cost of the meter and meter box shall be borne by the D.L. The Commission also approved the rates proposed by D.L. which is indicated under Annexure-III of above order. In the present case while issuing the sanctioned order of load enhancement the D.L. instructed consumer to provide compact type metering cubicle with proper approach road near the entrance gate with fencing shade etc. This instructions of D.L. violates the directives given by Commission under above order. As the 33kv cubicle was not available with D.L. the consumer purchased it from outside manufacturer as approved by D.L. As per the above MERC order it is clear that the meter along with cubicle is required to be provided by D.L. at his own cost hence it is necessary to refund the amount of meter cost and metering cubicle either paid or purchased by the consumer. The Nodal Officer in his written statement states that the consumer himself submitted the consent letter and agreed to carryout the work at his own cost through licensed electrical contractor by paying the supervision charges. The consumer with his own interest procure the material along with the 33kv cubicle and CT's and carryout the work to avoid delay in releasing the **connection**. Hence the cost of the cubicle should not be refunded to the consumer. This contention of Nodal Officer can not be considered in the light of above MERC order.

06) As per the MERC Regulations 2005 , 33kv CT's are also the integral part of the meter. The MERC Regulations 2005 Section.2(m) is reproduced as below

(m) "Meter" means a set of integrating instruments used to measure and/or record store the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes prepayment meters:

From above it is clear that 33kv CT's are being integral part of the meter should be provided by D.L.. In case if it is purchased by consumer, its cost should be borne by D.L.

07) The consumer submitted the copy of the bill of 33kv cubicle with CT's amounting Rs. 2,35,872/- This bill includes the packing and transportation charges. The consumer also submitted the bill of 33kv 50/5A 3 Nos. CT's amounting to Rs.53,341/-The D.L. while preparing the estimate considered the cost of 33kv cubicle as Rs. 1,72,250/- as per their approved cost data .The D.L. is required to refund the cost of 33kv cubicle as per its approved cost data.

ORDER

D.L. is directed to refund :-

- | | | |
|----|-----------------------------------|----------------|
| 1) | Cost of 33kv cubicle | Rs. 1,72,250/- |
| 2) | Cost of 33kv 50/5A CT's .(3 Nos.) | Rs. 53,341/- |

Total Rs. 2,25,591/- should be refunded through energy bill.

**(Vilaschandra S.Kabra)
Member**

**(P.A. Sagane)
Member Secretary**

**(V.A.Hambire)
Chairman**