

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

Caser No: CGRF/AZ/JLN/45/2007/14
Date of filing: 15.05.07
Date of Decision: 04.07.2007

M/S Kaygaon Paper Mills Ltd.

The consumer
complainant.

Vs.

Maharashtra State Electricity Distribution Co.Ltd.

The Distribution
Licensee.

Coram :

Shri R.K. Pingle:

Chairman

Shri H.A.Kapadia:

Member

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. Gut
No.184, Village Kaygaon, Tal. Gangapur, Dist.Aurangabad has filed its
grievance in annexure "A" on 15.05.07 under Regulation No.6.10 of the
Regulation 2006 through its Director Shri H.Y.Kunte. A copy of the
grievance was forwarded on 16.5.07 to the Nodal Officer and Executive
Engineer (Adm.) , in the office of the Superintending Engineer ,
M.S.E.D.C.L. Rural Circle, Aurangabad with a request to furnish his
response within 15 days from the date of receipt of the letter and the
hearing in the matter was fixed on 5.6.07 .

The grievance of the consumer, in brief, as per consumer is as
stated below.

The consumer has applied for enhancement of load from 1500
KVA to 2000KVA on 11.9.06. The consumer thereafter followed various
offices of Distribution Licensee (hereinafter referred to as D.L.) and given
the details of the action taken by the various offices of the D.L.

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The consumer received the sanction by letter No. SE/ARC/TS/Com./HT/LE/ Kaygaon paper/1407 dt. 23.3.2007. The contention of the consumer is that though there was delay in sanctioning of the load , he was still charged penal charges for exceeding the contract demand. It is contended that the D.L. should have sanctioned the enhancement of load within 60 days but however the sanction was finally received on 23.3.2007 i.e. delay of four months. The consumer has given details of penal charges levied on him from Nov.06 to April 07 for exceeding the contract demand. The consumer has therefore prayed the Forum to direct the D.L. to refund the penal charges levied for exceeding the contract demand with interest at the rate of 18% along with 2% DPC per month due to delay in sanction. It is further requested the consumer should be allowed refund even after sanction of load enhancement till sanction load connection is released to him.

On the date of hearing ,i.e. on 5.6.07, the consumer and his representative was present. The Nodal officer Shri Jaiswal was present on behalf of the D.L. The Nodal officer did not file any response on the grievance of the consumer but requested for adjournment on the ground that his concerned Asst .Engineer is on leave and the matter is before IGRC and the decision thereon will be given within couple of days. Granting the request of Nodal Officer the case was adjourned to 11.6.07.

On 11.6.07 , the consumer & his representative was present. The Nodal officer Shri Jaiswal was present along with Shri Patil , Asst. Engineer on behalf of D.L. The Nodal Officer filed his response on the grievance of the consumer, a copy of the same was given to the consumer. It is stated in the response that the IGRC has decided the grievance of the consumer on 2.6.07. The consumer however stated that he has not received copy of the decision. The copy of the decision of the IGRC was not filed along with the response. The Nodal officer was therefore directed to give a copy of the decision to the consumer as well as to the Forum. The consumer was also directed to file his reply on the response, and the case was adjourned to 14.6.07.

On 14.6.07, consumer and his representative was present. The Nodal Officer and Asst. Engineer Patil was present on behalf of the D.L. The representative of consumer filed his reply on the response of the Nodal Officer and the copy thereof was given to the Nodal officer. Since the other case of the consumer was adjourned to 18.6.07, this case was also adjourned to 18.6.07.

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On 18.6.07, the consumer & his representative was present. The Nodal officer Shri Jaiswal along with Asst. Engineer Shri Patil was present on behalf of the D.L. The Nodal officer filed copy of the decision of IGRC. The case was reserved for decision.

The Nodal officer in his response has stated that the grievance of the consumer has already been decided by the IGRC on 2.6.07 and the same is rejected. The Nodal officer has further stated that the consumer has applied for enhancement of load firstly from 1500 to 1750 KVA and on second occasion from 1500 to 2000 KVA. The enhancement of load sanction from 1500 to 2000KVA was given on 23.3.07. It is further contended that the consumer has not availed the facility of additional load sanction, as he has not paid the quotation and filed requirement documents such test report etc. Till such time as the consumer makes payment and complete the formalities , additional load sanction can not be effected. The consumer, it is stated , did not avail the enhancement of load from 1500 to 1750 KVA. The consumer is also exceeding the contract demand since Sept.1998 . The Nodal officer has further stated to reject the grievance of the consumer.

We have gone through the grievance of the consumer and copies of the documents filed by the consumer. We have also gone through the response and other documents filed by him.

At the outset we would like to observe that the Maharashtra Electricity Regulatory Commission has made following regulations in exercise of power conferred by the provisions to sub section 1 of section 43 along with other provisions of the Electricity Act 2003

- 1) Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period for giving supply & Determination of compensation) Regulations, 2005. (hereinafter referred to as S.O.P.)
- 2) Maharashtra Electricity Regulatory Commission (Electricity supply code & other conditions of supply) Regulations 2005.

These two regulations stipulate the condition of supply and other obligatory things on the part of D.L. in giving connection etc. and also lay down Standards of Performance in discharge of their obligations.

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The consumer has applied for load enhancement from 1500 to 1750 KVA On 24.12.2004 and sanction thereto was given on 23.4.2005. The consumer on 11.9.2006 applied enhancement of load from 1500 to 2000 KVA and sanction thereto was received on 23.3.2007. The consumer did not avail the load sanction enhancement from 1500 to 1750 KVA. Facts relating to first load enhancement from 1500 to 1750 KVA and contentions of Nodal officer in the response that consumer is exceeding load since Sept.1998 are not relevant so far as present grievance is concerned, as the consumer has sought relief for penal charges levied on him from Nov.06 to April 07 only, for exceeding the contract demand. The consumer has applied for load enhancement from 1500 to 2000 KVA on 11.9.06 i.e. after the S.O.P. has come into force on 20.1.05. Annexure “A” of the S.O.P. stipulates time period for intimation of charges to be borne by the applicant from date of receipt of application to be 20 days in rural area. The consumer is situated in rural area. The consumer has given load application for enhancement of load on 11.9.06 and the consumer ,as per S.O.P. should have been intimated the charges to be borne by him within a period of 20 days therefrom. The consumer has been given sanction on 23.3.07 i.e. in other words , the consumer has been intimated the charges to be borne by him on 23.3.2007. The D.L. has violated the provision of S.O.P. so far as observing the time limit for intimation of charges to be borne by applicant is concerned. The consumer therefore in our opinion is eligible to be compensated at the rate of Rs. 100/ per week or part thereof of delay. Since the D.L. has not observed the S.O.P. laid down , the D.L. in our opinion is not entitled to levy penal charges on the consumer during this period, i.e. after 20 days from the date of receipt of application till the date on which the consumer is intimated the charges to be borne by him. i.e. 23.3.2007. The prayer of the consumer in our opinion , is liable to be granted only for this period and not for the entire period for which the relief is sought by the consumer. As a matter of fact after intimation of charges to be borne by the consumer is communicated to the consumer , the consumer is required not only to pay the charges but also to complete other formalities in the sanction letter. It is after this the application is treated to be complete and only in such case time limit for giving connection or load enhancement is prescribed in S.O.P. The consumer, has not paid the quotation nor fulfilled his other obligations as spelt out in the sanction letter. The time limit for provision of supply from date of receipt of completed application and payment of charges is one month incase connection is to be from existing network and not 60 days as contended by the consumer in his grievance.

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The consumer , in our opinion is not entitled to relief sought till release of connection or enhancement of load.

In light of above observations, we are inclined to grant the prayer of the consumer partly. Hence the following order.

ORDER

- 1. The Distribution Licensee is directed to pay compensation at the rate of Rs. 100/ week or part thereof from 1.10.2006 to 23.3.2007.**
- 2. The Distribution licensee is also directed to withdraw penal charges levied on the consumer for exceeding contract demand during the period mentioned in 1 (one) above.**

The Distribution licensee & consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.Kapadia)
Member

(R.K.Pingle)
Chairman