

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 /U/145 / 2008 / 66/

Date:-

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

Sub:- Forwarding of grievance in respect of M/S Renuka Roll Tech.Industries,
Plot No.14 & 15 Gut no.27, Ranjangaon, Near H.Sector, MIDC,Waluj,
Dist.Aurangabad.(Consumer No. 490019043920)

Dear Sir

Please find enclosed herewith a copy of the grievance application received by the Forum from M/S Renuka Roll Tech.Industries, Plot No.14 & 15 Gut no.27, Ranjangaon, Near H.Sector, MIDC,Waluj, Dist.Aurangabad.

You are requested to submit your parawise reply on the grievance within 15 days from the date of this letter

The hearing of the grievance is fixed on date 04.11.2008 at 12.00 Hrs.

Member/Secretary,
CGRF(AZ) MSEDCL.Aurangabad.

Encl As above.

Copy to :

M/S Renuka Roll Tech.Industries,
Plot No.14 & 15 Gut no.27,
Ranjangaon, Near H.Sector,
MIDC,Waluj,
Dist.Aurangabad.

BEFORE THE CONSUMER GRIEVANCE REDRESSAL
FORUM
AURANGABAD ZONE, AURANGABAD

(Case No: CGRF/ AZ / U / 145 / 2008 / 66)

Date of Filing: 20.10.2008

Date of Decision: 20.12. 2008

**M/s Renuka Roll Tech Industries,
Plot No. 14 & 15, MIDC Waluj,
Aurangabad
(Consumer No. 490019043920)**

Consumer Complainant.

V/s

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.

O & M Urban Aurangabad.

The Distribution Licensee.

Coram:

Shri V.A.Hambire President

Shri H.A.Kapadia 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 Renuka Roll Tech Industries, Plot No. 14 & 15, Ranjangaon, Waluj, Aurangabad has filed his grievance in Annexure "A" before this Forum on **20.10.08**, 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 Urban Circle, Aurangabad and hearing in the matter was kept on 04.11.2008

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

1. The consumer has applied for fresh power connection of 107 HP to the Distribution Licensee(hereinafter referred to as D.L.) for his small scale unit situated at plot No. 14 & 15, MIDC, Waluj, Aurangabad. purpose. .The D.L. after sanctioning the load demand of the consumer on 25.04.08 and issued asked the consumer to pay Rs. 51572/ which includes payment towards security deposit, 1.3% normative charges on estimated work amount of Rs. 469225/. The consumer has paid the amount as per demand made by the D.L. The connection was released by the D.L. on 02.09.08.
2. The consumer contended that as per circular published by the Chief Engineer (Distribution) MSEDCL dt. 20.05.08, which states that the infrastructure cost paid by the consumer will be refunded to the consumer through the monthly bill/bills. The consumer further contended that before starting the work and before release of electricity connection to his factory, he submitted a letter dt. 29.05.08 in this regards to the Superintending Engineer Urban Circle, Aurangabad for which no reply was received by him. The consumer after executing the work and getting the connection again file an application with the concerned officer of the D.L. on 17.10.08 for refund of amount paid by him towards infrastructure development. As per guidelines given in the said circulars. However since no reply nor the amount paid by him was refunded , he filed this grievance in the forum and requested the Forum to direct the D.L. to refund/adjust the amount paid by him towards infrastructure development cost.
3. On 04.11.2008, i.e. on the date of first hearing consumer representative Shri Avinash Kulkarni was present. Nodal officer Shri Rathore was present on behalf of D.L. The Nodal officer filed copy of the circular No. 22197 dt.20.05.08 issued by the Chief Engineer (Distribution) MSEDCL and stated that the said issue is pending before the Hon'ble Supreme Court and is subjudice hence cannot be taken up in the Forum and requested the Forum to dismiss the grievance filed by the consumer.

The Nodal officer was directed to submit copy of the petition pending with the Hon'ble Supreme Court in this matter , or any such document to confirm the matter is pending before any of the court. The Nodal officer was also directed to file copies of the circulars, order issued by the D.L. in this regards. The consumer was also asked to file relevant documents in this regards before next hearing which was kept on 11.11.08.

4. On 11.11.08, both the parties were present. Consumer did not file any document. The Nodal officer filed copies of the Hon'ble Commission order in case No. 70/2005, case No.56/2007, copy of the D.L's circular No.43 dt. 27.09.06. The Nodal officer could not file any documents or copies of petition to confirm that the said matter is pending before Supreme Court or any other tribunal. The Forum therefore decided to proceed with the matter before it. The consumer during the hearing requested the Forum to grant time extension for filing his reply . The Nodal officer also requested the Forum to grant time for seeking necessary guidance from their head office. The Forum therefore fixed the next hearing date on 05.12.08.
5. On 05.12.08, consumer filed an application for adjournment of date due death of his close relative which was granted by the Forum and the next hearing in the matter was fixed on 16.12.08.
6. On 16.12.08, consumer representative and Nodal officer were both present. Nodal officer stated that an amended circular has been issued in this regards by their head office and the same will be submitted before 18.12.08. The consumer also stated that the supreme Court has already passed an order in this regards and the higher officials of the D.L. has also agreed to adjust the amount paid by consumers towards infrastructure development and accordingly issued guidelines to the field officers and therefore he is entitled to get refund of the said amount .The Forum heard both parties at length and the matter was kept for decision.

7. We have gone through the documents filed by both parties, copies of the order passed by the Hon'ble commission, circular published by the head office of the D.L. On going through above documents we observed that consumer has applied for fresh load demand of 107 HP for his factory situated at plot No. 14&15, Gut No.27, Ranjangaon, Aurangabad. The same has been sanctioned by Superintending Engineer, Urban circle on 25.04.08. The consumer has paid Rs.51572/ which includes service connection charges of Rs.6500/, security deposit of Rs.35880/ and Rs.6022/ towards 1.3% Normative charges for estimated work cost of Rs.469225/ .

We further observed that the said Normative charges are collected towards supervision charges for the work to be executed by the consumer. It alternatively means that the consumer has to spend amount on procurement of material and on labor cost for development of infrastructure which includes erection of transformer, HT/LT lines, etc. for getting the supply from the D.L., in this case the amount worked out as Rs. 469225/ and also has to pay 1.3% (Rs.6022) towards supervision charges to the D.L. for the work carried out by him. The infrastructure cost in other words is nothing but service line charges which D.L. used to collect previously.

We have also gone through the provisions mentioned in the section 43 & 46 of the Electricity Act 2003 and various orders passed by the Hon'ble Commission in this matter. On going through we observe as under.

1. The Section 43 of the Electricity Act 2003 reads as under:

“ It shall be duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises, specified in sub section (1)”

2. Section 46 of E.I. Act 2003 reads as under:

“ The state Commission may,by regulation, authorize a distribution Licensee to charge from a person requiring a supply of electricity in pursuance of section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply.”

The Maharashtra Electricity Regulatory Commission (hereinafter referred to as “ the Commission”) in case No. 70/ 2005 passed an order on 8th Sept.2006 and has totally rejected D.L’s proposal of to recover the service line charges (Infrastructure cost) from the prospective consumers except consumer requiring dedicated distribution facility. The Commission has further directed the D.L. that the cost towards infrastructure from delivery point of transmission system to the distribution mains shall be born by the Distribution Licensee .

The Commission in case No. 82/2006 and also in case No.56 of 2007 has also passed similar order and directed the D.L. not to collect infrastructure cost from the consumers.

The petition No.20340 of 2007 pending in the Hon’b;e supreme court is related to refund of ORC charges collected by the MSEDCL from various consumers since enactment of the E.I. Act 2003 and is not related to collection of infrastructure cost from prospective consumers.

The Chief Engineer (Commercial) of the D.L. , on the basis of above mentioned orders passed by the Commission and stating provisions of section 43 of E.I. Act 2003, issued a letter under a subject head “ **Guidelines for releasing new connections and augmentation** on 20.05.2008. On going through the said letter we observed that the D.L. has asked its field officers to collect only schedule of charges approved by the commission and further mentioned that the infrastructure will be created by MSEDCL.

The consumer on 29.05.08, i.e. before getting power supply, submitted a letter to the Supdt. Engineer MSEDCL, Urban ,Aurangabad and demanded refund of the infrastructure cost paid by him by quoting the reference of the guideline letter dt.20.05.08 issued by the Chief Engineer (Distribution)

On going through all above observations, we are of the view that , the Hon'ble Commission has issued orders directing the D.L. not to collect infrastructure cost from the prospective consumers , the D.L. has also issued guidelines to its filed officers and directed them not to collect any charge other than approved by the Hon'ble Commission from the prospective consumers.

ORDER

- 1. The Distribution Licensee shall refund the infrastructure cost paid by the consumer through monthly energy bill/bills issued to the consumer.**

The D.L. & the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

**(H.A.Kapadia)
Member**

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

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

ग्राहक गा-हाणे निवारण मंच

महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित
औरंगाबाद परिमंडळ, औरंगाबाद.

Old Power House Premises, Dr.Ambedkar Road, Aurangabad. Phone No.2336172

No,CGRF/AZ/AUR/U/145/2008/66/

Date :-

To,

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

2) M/s Renuka Roll Tech Industries,
Plot No. 14 & 15, MIDC Waluj,
Aurangabad
(Consumer No. 490019043920)

Subject :- Grievance in Case No.CGRF/AZ/AUR/U/145/2008/66

Please find enclosed herewith a copy of the 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.

Yours faithfully

Encl: As above

Member/Secretary
CGRF(AZ) MSEDCL,
Aurangabad.

Copy submitted with respect to:-

The Chief Engineer(AZ)
MSEDCL, Aurangabad.
For information please.

Contact details of the Electricity Ombudsman,
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,Bandra Kurla Complex,
MUMBAI -400 051 TEL. No. (022) - 26590339

