

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM ,
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/R /329/ 2011/09

Date of Filing: 11.03.2011

Date of Decision: 09.05.2011

Janarth Agro Processing,
Gut No.205, At Maliwadgaon,
Tq.Gangapur,
Dist. Aurangabad.
(Consumer No. 50667904230)

Consumer Complainant.

V/s

Maharashtra State Electricity Distribution Co. Ltd.
Rural Circle, Aurangabad.

Coram:	Shri V.B.Mantri	President
	Shri V.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 has filed his grievance in Annexure "A" before this Forum on 11.03.2011 under Regulation No. 6.10 of the Regulations referred to above. A copy of the grievance was forwarded on 14.03.2011 to the Nodal Officer and Executive Engineer (Adm) in the office of the Superintending Engineer, Rural Circle, Aurangabad with a request to furnish his response on the grievance within a period of fifteen days and hearing in the matter was fixed on 29.03.2011

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1. The complainant has submitted this grievance petition for refund of sum of Rs.13,98,151/- which the complainant has made expenditure towards infrastructure for electricity supply.

2. It is the case of the complainant that, the complainant had applied for 11kv (HT) connection on 29.09.2009. The D.L. has sanctioned connection on 24.12.2009. The complainant was required to make expenditure of Rs.13,98,151/- for infrastructure. As per company's circular dated 20.01.2005, the expenditure for infrastructure is to be bourn by the company. It is therefore prayed that the expenditure which the consumer has made towards infrastructure be refunded. The complainant has applied for such refund to S.E., E.E.(Rural), A.E. Sub-Division, Gangapur, but his applications were not considered. Hence this petition before this Forum.

3. In response to the notice issued to the D.L. the M.S.E.D.C.L. has submitted reply to the complaint application and opposed the petition mainly on the ground that, the consumer was permitted to carry out required work at his own costs. The consumer is H.T. consumer of M.S.E.D.C.L. The circulars on which complainant has placed reliance is for LT consumer and not for HT consumer. The consumer is not entitled for refund of amount.

This Forum heard submissions of Mr. Kapadiya Representative of the complainant, Mr. Jarare Nodal Officer argued for D.L.

Considering submissions of both the parties following point arise for our determination and our findings on such point is as follows :-

<u>Point</u>	<u>Findings</u>
1. Whether the consumer of HT connection is entitled for refund of infrastructure expenditure made by the consumer.	No
2. What order	The grievance petition is dismissed.

REASONS

4. There is no dispute that, the complainant is a consumer. He applied for 11k HT connection on 24.09.2009. The D.L. has approved prayer for HT connection. The administrative sanction letter dated 27.12.2009 is produced. There is further no dispute that, the consumer was required to make expenditure towards infrastructure for the connection.

5. Mr. Kapadiya the representative for the consumer submitted that M.S.E.D.C.L. authority has sanctioned technical estimate for providing fresh HT connection to the factory. The total costs of said estimate is Rs.12,13,944/- Mr. Kapadiya has submitted that,

6. the MERC has already directed the D.L. not to collect ORC/SLC/meter box cost from the consumer. It is the duty of D.L. to provide electric line for giving supply to the premises. It is further submitted that, MERC has also further directed to D.L. not to collect charges which is not defined in supply code. He then placed reliance upon circular No. CE(Dist.)/D-III dated 20.06.2008 and upon circular No.39206 dated 21.12.2009.

6. The Nodal Officer on the other hand has submitted that, the consumer is HT dedicated consumer. The circular CE(Dist.) D-III/22197 dated 20.06.208 is for LT consumers and not for HT dedicated circular. The amount of expenditure if any made can not be refunded on the basis of such circular. It is therefore submitted that the petition be dismissed.

7. On perusal of circular CE(Dist.) D-III/22197, it reveals that, the said circular has been issued and related to LT connections. Nothing reveals from the said circular that, it relates in any way to HT connections. It is therefore obvious that the consumer of HT connection can not claim refund of amount spent by consumer for infrastructure on the basis of such circular.

8. We do appreciate the submissions of Mr. Kapadiya that, MERC has directed not to collect charges which is not defined in supply code further more D.L. should not collect ORC/SLC/meter box costs from the consumer. It is the duty of D.L. to provide electric line for giving supply to the consumer, but nothing has been pointed out of which it can be accepted that, dedicated HT consumer is entitled for refund of amount of expenditure if made by the consumer for which this petition is made by the consumer. Hence in the result, this Forum finds merit in the grievance. The grievance petition should be dismissed. Hence this Forum proceed to pass following order.

ORDER

The grievance petition is hereby dismissed.

(V.S.Kabra)
Member

(P.A.Sagane)
Member/Secretary

(V.B.Mantri)
Chairperson

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